

DOCKET NO.: HHD-LND-CV14-6052002-S : SUPERIOR COURT
GARDEN HOMES MANAGEMENT : LAND USE DOCKET
CORPORATION, ET AL.
V. : AT HARTFORD
OXFORD PLANNING & ZONING : MARCH 09, 2015
COMMISSION

AMENDED CERTIFIED LIST OF PAPERS IN RECORD ON APPEAL

In accordance with Conn. Gen. Stat. 8-8 and Conn. Pract. Book § 14-7B, the Defendant, Oxford Planning & Zoning Commission, hereby files this certified list of papers in the record in this matter.

1. Copy of Town of Oxford Zoning Regulations.
2. Copy of Zoning Site Plan Application Z-14-012.
3. Maps and Plans for Oxford Commons dated February 7, 2014.
4. 11 x 17 Copy of Maps and Plans for Oxford Commons dated February 7, 2014.
5. Letter dated February 4, 2014 from Richard Freedman to Ms. Anna Rycenga.
6. Letter dated February 27, 2014 from Mark K. Branse, Esq. to Ms. Anna Rycenga.
7. Affordability Plan for Oxford Commons dated January 2014.
8. Affordability Plan for Oxford Commons dated August 2006.
9. Article 6A "Mixed Income Housing District" received February 28, 2014.
10. Article 6A "Mixed Income Housing District" dated February 26, 2007.
11. Oxford Commons – Hurley Road – Oxford, Connecticut Stormwater Management Report revised February 19, 2014.

12. Sheet 1 of 16 – Cover Sheet dated February 7, 2014.
13. Sheet 2 of 16 – Overall Development Plan dated February 7, 2014.
14. Sheet 3 of 16 – Site Development Plan dated February 7, 2014.
15. Sheet 4 of 16 – Site Development Plan dated February 7, 2014.
16. Sheet 5 of 16 – Site Development Plan dated February 7, 2014.
17. Sheet 6 of 16 – Site Development Plan dated February 7, 2014.
18. Sheet 7 of 16 – Road Profiles dated February 7, 2014.
19. Sheet 8 of 16 – Road Profiles dated February 7, 2014.
20. Sheet 9 of 16 – Road Profiles dated February 7, 2014.
21. Sheet 10 of 18 – Road Profiles dated February 7, 2014.
22. Sheet 11 of 16 – Construction Details dated February 7, 2014.
23. Sheet 12 of 18 – Existing Conditions Map dated February 7, 2014.
24. Sheet 13 of 16 – Erosion & Phasing Plan dated February 7, 2014.
25. Sheet 14 of 16 – Erosion Narrative dated February 7, 2014.
26. Sheet 15 of 16 – Snow Management /Traffic Signage Plan dated February 7, 2014 and revised April 27, 2014.
27. Sheet 16 of 18 – Pre-Development Watershed dated February 7, 2014.
28. Sheet 17 of 18 – Post-Development Watershed dated February 7, 2014.
29. Sheet 18 of 18 – Soil Results by EPS, Inc. dated February 7, 2014.

30. Copy of letter dated October 17, 2013 from Mark K. Branse, Esq. to Michael Herde, Chairman and members of the OCCIWA.
31. Copy of letter dated November 26, 2013 from Kathleen Eldergill to Richard Freedman.
32. Copy of letter dated January 29, 2014 from Mark K Branse, Esq. to Peter Olson, Esq.
33. Copy of letter dated February 20, 2014 from Caleb F. Hamel, Esq. to Jessica Pennell.
34. Copy of letter dated February 20, 2014 from Caleb F. Hamel, Esq. to Peter Olson, Esq.
35. Copy of letter dated February 27, 2014 from Mark K. Branse, Esq. to Ms. Anna Rycenga.
36. Copy of letter dated March 21, 2014 from Caleb F. Hamel, Esq. to Oxford W.P.C.A.
37. Copy of letter dated April 15, 2014 from Richard K. Freedman to Ms. Tanya Carver.
38. Copy of letter dated May 5, 2014 from Caleb F. Hamel, Esq. to Ms. Anna Rycenga.
39. Copy of letter dated May 6, 2014 from Caleb F. Hamel, Esq. to Ms. Anna Rycenga.
40. Public Hearing Agenda April 1, 2014.
41. Public Hearing Agenda April 15, 2014.
42. Regular Meeting Agenda April 15, 2014.
43. Public Hearing Agenda May 6, 2014.
44. Regular Meeting Agenda May 6, 2014.
45. Regular Meeting Agenda May 20, 2014.
46. Public Hearing Minutes April 1, 2014.
47. Public Hearing Minutes April 15, 2014.
48. Regular Hearing Minutes April 15, 2014.

49. Public Hearing Minutes May 6, 2014.
50. Regular Meeting Minutes May 20, 2014.
51. Transcripts of the April 1, 2014 Public Hearing.
52. Transcripts of the April 15, 2014 Public Hearing.
53. Transcripts of the April 15, 2014 Regular Meeting.
54. Transcripts of the May 6, 2014 Public Hearing.
55. Transcripts of the May 6, 2014 Regular Meeting.
56. Transcripts of the May 20, 2014 Regular Meeting.
57. Legal Notice published for April 1, 2014 Public Hearing – March 19, 2014 (1st Notice).
58. Legal Notice published for April 1, 2014 Public Hearing – March 26, 2014 (2nd Notice).
59. Legal Notice published May 21, 2014 (Closed Public Hearing).
60. Legal Notice published May 21, 2014 (Action Notice).
61. Letter dated March 11, 2014 from Anna Rycenga, ZEO to Brian Miller & Jim Galligan.
62. Letter dated March 19, 2014 from Anna Rycenga, ZEO to Mark Branse.
63. Letter dated March 19, 2014 from Jim Galligan to Tanya Carver.
64. Memorandum dated March 19, 2014 to Anna Rycenga from Brian Miller.
65. Letter dated March 24, 2014 from Tanya Carver to Caleb F. Hamel, Esq.
66. Letter dated March 26, 2014 from Caleb F. Hamel, Esq. to Tanya Carver.
67. Letter dated November 13, 2013 from Peter Olson, Esq. to Michael Herde, Chairman

68. Copy of letter dated December 17, 2013 to Branse, Willis & Knapp, LLC from Denise Randall.
69. Copy of Citation dated January 9, 2014.
70. Letter dated July 17, 2014 to Richard Freedman from Chairman Michael Herde.
71. Copy of letter dated July 26, 2006 to Richard Freedman from Raymond Adamaitis of New England Water Utility Services, Inc.
72. Letter dated September 24, 2012 from Debbie Lichwall, WPCA Secretary, Borough of Naugatuck to Mr. Steven Trinkaus.
73. Copy of the Amendment to Agreement received February 28, 2014.
74. Letter dated April 1, 2014 from Scott Halstead, WPCA to Anna Rycenga.
75. Letter dated April 16, 2014 from Fred D'Amico, Chairman, Oxford WPCA to Caleb F. Hamel, Esq.
76. Letter dated April 15, 2014 from Scott Pelletier, Fire Chief to Planning & Zoning.
77. Ladder Truck Specifications submitted by Fire Marshal, Scott Pelletier on April 16, 2014.
78. Memorandum dated April 7, 2014 from Brian J. Miller to OPZC.
79. Letter dated April 8, 2014 from Jim Galligan to Tanya Carver.
80. Letter dated May 6, 2014 from Jim Galligan to Tanya Carver.
81. Letter dated May 6, 2014 from Jerry Schwab, Executive Director, Oxford Ambulance Association to Tanya Carver
82. Memorandum dated April 30, 2014 from Brian Miller to Eugene Micci.

83. E-mail from Kathleen Eldergill from Jessica Pennell dated January 9, 2014.
84. E-mail to Anna Rycenga from Caleb Hamel dated February 19, 2014.
85. E-mail from Mark Branse to Andy Ferrillo dated February 27, 2014.
86. E-mail from Steve Trinkaus to Caleb Hamel dated February 28, 2014.
87. E-mail from Caleb Hamel to Jessica Pennell dated February 28, 2014.
88. E-mail thread from Anna Rycenga to Caleb Hamel beginning March 11, 2014.
89. E-mail thread from Anna Rycenga to Caleb Hamel beginning March 11, 2014.
90. E-mail thread from Caleb Hamel to Anna Rycenga beginning March 18, 2014.
91. E-mail thread from Anna Rycenga to Tanya Carver beginning March 19, 2014.
92. E-mail thread from Tanya Carver to Anna Rycenga beginning March 25, 2014.
93. E-mail from Anna Rycenga to Jim Galligan dated April 14, 2014.
94. E-mail from Anna Rycenga to Tanya Carver, Jim Galligga, Brian Miller, Jessica Pennell and Eugene Micci dated April 14, 2014.
95. E-mail from Mark Branse to Jessica Pennell dated April 15, 2014.
96. E-mail from Anna Rycenga to Mark Branse dated April 22, 2014.
97. Letter dated November 25, 2013 from Nafis & Young Engineers to Michael Herde, Chairman, OCCIWA.
98. Copy of letter dated December 3, 2013 from Kathleen Eldergill, P.C. to the Board of Selectmen, Town Clerk and OCCIWA.
99. Letter dated December 5, 2013 from Town Clerk, Margaret West to Ms. Eldergill.

100. Memorandum dated December 5, 2013 from First Selectmen Temple to all Departments.
101. Wetland Inventory, Evaluation and Impact Assessment prepared for Garden Homes revised June 11, 2013.
102. Letter dated January 9, 2014 from Kathleen Eldergill, P.C. to Jessica Pennell.
103. Letter dated March 11, 2014 from Michael S. Klein of Environmental Planning Services, LLC to Richard Freedman.
104. Letter dated March 11, 2014 from Anna Rycenga to Brian Miller and Jim Galligan.
105. Letter dated March 13, 2014 from Jessica Pennell to Mark Branse, Esq.
106. Letter dated March 17, 2014 from Jessica Pennell to Town Clerk, Middlebury, CT.
107. Letter dated March 17, 2014 from Jessica Pennell to Town Clerk, Southbury, CT.
108. Letter dated March 17, 2014 from Jessica Pennell to Town Clerk, Borough of Naugatuck, CT.
109. Letter dated March 25, 2014 from Anna Rycenga to Attorney Eugene Micci
110. Letter dated March 26, 2014 from Anna Rycenga to Scott Pelletier, Oxford Ambulance and WPCA.
111. Letter dated March 28, 2014 to Caleb F. Hamel, Esq. from Transcription Plus, LLC., with transcripts of a portion of the January 29, 2014 Planning & Zoning Meeting.
112. Letter dated March 28, 2014 Michael A. Galante to Richard K. Freedman.
113. Letter dated April 1, 2014 from Anna Rycenga to Caleb Hamel, Esq.
114. Letter dated April 2, 2014 from Jessica Pennell to Mark Branse, Esq.

115. Statement dated April 2, 2014 from Wendy Lecker, Esq. to Members of OPZC.
116. Recessed Public Hearing Notice dated April 15, 2014.
117. Letter dated April 15, 2014 from Joseph Versteeg to Mark Branse, Esq.
118. Letter dated April 15, 2014 from Mark Branse, Esq. to Tanya Carver, Chairman OPZC.
119. Letter dated April 15, 2014 from Steve Trinkaus to Tanya Carver, Chairman OPZC.
120. Turning Performance Analysis by Pierce dated April 21, 2014
121. Letter dated April 22, 2014 from Anna Rycenga to Caleb Hamel, Esq.
122. Five 8 ½ x 11 photos submitted by Mark Branse on May 6, 2014.
123. Oxford Board of Selectmen's Meeting Minutes from April 2, 2014.
124. Article from the Valley Independent Sentinel dated October 21, 2009.
125. Printout of Article "Incentive Lands at Waterbury-Oxford Airport" dated December 16, 2013.
126. Excerpts of PSC 2012 iForum on Affordable Housing Opposition – Statement by Tanya Carver.
127. Comparative Analysis of Fiscal Impacts Associated with Commercial and Residential Development in Oxford, CT submitted by Richard Freedman.
128. Copy of the Memorandum of Decision from John W. Pickard in Garden Homes Management Corporation, et al., v. Planning & Zoning Commission of the Town of Oxford.
129. Packet of SEEC filing by Keep Oxford Green.

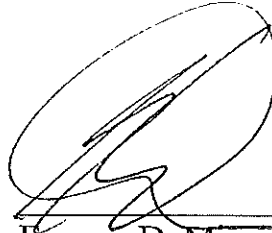
130. Transcripts from the Planning & Zoning Meeting on February 4, 2014.
131. KOG Newsletter IV.
132. Article from the Oxford Patch "Temple, Haney Open Headquarters" dated October 4, 2011.
133. Article from the Oxford Patch "Yish to Run for First Selectman; Ferrillo Will be Running Mate" dated July 15, 2011.
134. Full text of Geroge R. Temple's speech before 100 people Sunday, May 1, 2011.
135. Article from the Valley Independent Sentinel "GOP Honcho: We Didn't Oust Cocchiarella" dated January 8, 2011.
136. Flyer for the KOG Rally Chicken BBQ.
137. KOG Newsletter II.
138. Town of Oxford, Fair Housing Action Plan.
139. Article from the New York Times "How Green is their Valley" dated October 30, 2009.
140. Minutes of the Planning and Zoning Special Meeting of June 18, 2009.
141. Oxford Economic Development Commission minutes from February 17, 2009.
142. Printout of Record from the CT Secretary of State for Oxford Science, Inc.
143. Copy of Article 3.19.1 of the Oxford Zoning Regulations.
144. Resume of James H. Galligan, P.E.
145. Resume of Brian J. Miller, AICP, PP.
120. Seven 8 ½ x11 photos submitted by Alternate Commission Member Peter Zbras.

121. Article dated March 5, 2014 "Trailer park called a "sad mess" submitted by Alternate Commission Member Peter Zbras.
122. Article dated January 31, 2014 "Mobile Home Park Catches Fire in Eufaula" submitted by Alternate Commissioner Peter Zbras.
123. Five 8 ½ x 11 photos submitted by resident David Stocker.
124. Letter dated April 23, 2014 from resident on 131 Hurley Road.
125. Letter dated May 1, 2014 from resident Ronald Turmel, Sr.
126. Submission of Exhibits numbered 1-12 by Alternate Commission Member Peter Zbras.

CERTIFICATION

This is to certify that the foregoing was mailed, postage prepaid on March 10, 2015 to:

Branse & Willis, LLC.
148 Eastern Boulevard
Suite 301
Glastonbury, Connecticut

A handwritten signature in black ink, appearing to read 'E. Micci', is written over a horizontal line.

Eugene D. Micci, Esq.
Micci & Korolyshun, P.C.
10 Elizabeth Street, P.O. Box 321
Derby, CT 06418
203-735-9220
Juris No: 420494

DOCKET NO.: HHD-LND-CV14-6052002-S : SUPERIOR COURT

GARDEN HOMES MANAGEMENT : LAND USE DOCKET
CORPORATION, ET AL.

V. : AT HARTFORD

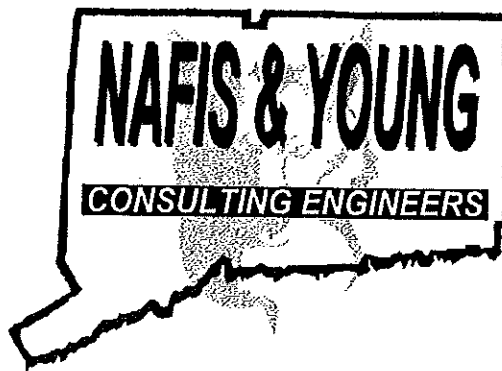
OXFORD PLANNING & ZONING COMMISSION : MARCH 09, 2015

INDEX TO RETURN OF RECORD

In accordance with Conn. Gen. Stat. 8-8 and Conn. Pract. Book § 14-7B, the Defendant, Oxford Planning & Zoning Commission, on behalf of the Parties, hereby files this Index to the Return of Record on Appeal:

<u>Record Item</u>	<u>Certified List No.</u>	<u>Description</u>
ROR 1	2	Zoning Site Plan Application Z-14-012
ROR 2	3	Maps and Plans for Oxford Commons dated February 7, 2014
ROR 3	5	Letter dated February 24, 2014 from Richard Freedman to Anna Rycenga
ROR 4	6	Letter dated February 27, 2014 from Mark K. Branse to Anna Rycenga
ROR 5	7	Affordability Plan for Oxford Commons dated January 2014
ROR 6	9	Article 6A "Mixed Income Housing District" received February 28, 2014
ROR 7	26	Sheet 15 of 16--Snow Management/Traffic Signage Plan last revised April 27, 2014*
ROR 8	39	Letter dated May 6, 2014 from Caleb F. Hamel to Anna Rycenga
ROR 9	54	Transcripts of the May 6, 2014 Public Hearing
ROR 10	55	Transcripts of the May 6, 2014 Regular Meeting
ROR 11	63	Letter dated March 19, 2014 from Jim Galligan to Tanya Carver
ROR 12	64	Memorandum dated March 19, 2014 from Brian Miller to Anna Rycenga
ROR 13	65	Letter dated March 24, 2014 from Tanya Carver to Caleb F. Hamel
ROR 14	66	Letter dated March 26, 2014 from Caleb F. Hamel to Tanya Carver
ROR 15	80	Letter dated May 6, 2014 from Jim Galligan to Tanya Carver
ROR 16	119	Letter dated April 15, 2014 from Steve Trinkaus to Tanya Carver
ROR 17	120	Turning Performance Analysis by Pierce dated April 21, 2014

* A higher resolution copy of this plan was provided as an attachment to the Plaintiff's Brief, Docket No. 107.00, and, per a conversation with the Clerk of the Court, a foldable 24"x36" copy will be provided to the Court at trial.



Leslie G. Nafis, P.E., L.S.
Allan S. Young, P.E.
James H. Galligan, P.E.
David L. Nafis, P.E., L.S.
Lawrence K. Secor, CHMM
Jonathan C. Harriman, P.E.
Mr. Edward J. Robarge, P.E.

March 19, 2014

Mrs. Tanya Carver, Chairman
 Oxford Planning and Zoning Commission
 486 Oxford Road
 Oxford, CT 06478

Re: Oxford Greens, Oxford, CT

Dear Mrs. Carver:

Nafis & Young Engineers, Inc. is in receipt of the following for the above-referenced project.

1. Stormwater Management Report revised February 19, 2014.
2. Legal Correspondence from Beck & Eldergill, P.C. dated November 26, 2013.
3. Correspondence from Branse, Willis & Knapp, LLC. dated:
 February 27, 2014;
 January 29, 2014;
 February 20, 2014;
 October 17, 2013.
4. Planning and Zoning Commission Site Plan Application, undated.
5. Correspondence from Garden Homes Management Corporation dated February 24, 2014.
6. Article 6A "Mixed Income Housing District"
7. Judge John W. Pickard decision "Garden Homes Management Corp v. Planning & Zoning Commission of Town of Oxford".
8. Wetlands Inventory, Evaluation and Impact Assessment dated July 3, 2013.
9. Correspondence from Connecticut Water dated July 26, 2006.
10. Correspondence from Naugatuck Water Pollution Control Authority dated September 24, 2012.
11. Correspondence from Land Use & Conservation Counsel dated November 13, 2013.
12. A copy of the Appeal "Garden Homes Management Corp ET AL vs. Oxford Conservation Commission and Inland Wetlands Agency" dated January 9, 2014.
13. Motion of Approval for IW 13-47.

We offer the following:

- A. Nafis & Young Engineers, Inc. anticipates that this Application may take several continuations and possible extensions.
- B. We reviewed this project during the Inland Wetlands process. The majority of our engineering issues were discussed during the process. Many, but not all, engineering issues were resolved with applicant's engineer.

CIVIL ENGINEERING

ENVIRONMENTAL SERVICES

LAND SURVEYING

P:\P2\Zoning\Engineer's Reports\Nafis & Young\Oxford Greens Letter to Carver 03-20-14 JG.doc

1355 Middletown Avenue, Northford, CT 06472 • Tel: (203) 484-2793 • Fax: (203) 484-7343 • e-mail: nyeng@nafisandyoung.com

- C. No traffic report was submitted on this project. Therefore, Nafis & Young cannot estimate the cost for the traffic review at this time.
- D. The plan review for this application will include but not be limited to;
 - 1. Horizontal roadway geometry.
 - 2. Vertical roadway geometry.
 - 3. Intersection and stopping sight distances.
 - 4. Internal roadway radii and impact on safety.
 - 5. Drainage impact on the Western boundary, which the applicant claimed did not fall under the Inland Wetlands Agency jurisdiction.
 - 6. Pedestrian mobility and safety.
 - 7. Regulation Conformance.

Nafis & Young estimates that this initial task will cost between \$2,400.00 - \$2,800.00 including attendance at Oxford PZC meetings.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

James H. Galligan, P.E.
Nafis & Young Engineers, Inc.



NAFIS & YOUNG

Environmental Planning & Engineering

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Turner Miller Group

New England

planning consensus community

Land use, economic development, and environmental planning
Facilitating consensus among diverse constituents
Creating sustainable communities

Memorandum

To: Anna Rycenga; Town Planning Consultant
From: Brian J. Miller, AICP; Town Planner
Subject: Cost Estimate for Planner Review of Application of Garden Homes Management Corporation – Affordable housing Application Pursuant to Conn. Gen. Stat. 8-30g
Date: March 19, 2014

I was requested to provide a cost estimate of the planner review of this application. In order to determine this estimate I reviewed the material submitted. Based upon this review, I estimate that the cost of the planner review will be \$9,700. This is based upon the following:

- Review of all written materials of application
- Review and analysis of site plan materials as submitted.
- Review of Housing Affordability Plan
- Analysis of previous application.
- Review of court decision of previous application
- Review of deliberations of Oxford Inland Wetlands and Watercourses Agency concerning this application.
- Consultation with applicant as appropriate and approved by the PZC Chairman.
- Analysis of supplemental information prepared by applicant.
- Preparation of supplemental report to respond to additional information presented by applicant.
- Consultation with Town Attorney as appropriate.
- Attendance at three PZC public hearings.
- Preparation of resolutions of approval/denial.
- Attendance of two meetings after the public hearing

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TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Planning & Zoning Commission

March 24, 2014

Caleb F. Hamel, Esq.
Branse, Willis, & Knapp, LLC
148 Eastern Boulevard, Suite 301
Glastonbury, CT, 06033

RE: Garden Homes Management Corporation – Oxford

Dear Attorney Hamel,

The estimates from Brian Miller, Turner Miller Group, and James Galligan, Nafis & Young Engineers, were received on March 19, 2014. They show in detail the estimated scope of the work that will be needed for the Garden Homes Application. They were accepted by Planning and Zoning and sent to Attorney Branse on March 19, 2014.

These are estimates, I am sure Attorney Branse, an instructor for UConn CLEAR's Land Use Academy, would agree that an application such as this will be constantly changing and cannot sit down and give a final number.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tanya Carver", is written over a horizontal line.

Tanya Carver
Chairman, Planning & Zoning

cc: File
Planning & Zoning Commission
Attorney Eugene Micci, Town Counsel

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BRANSE, WILLIS & KNAPP, LLC

148 EASTERN BOULEVARD SUITE 301
GLASTONBURY, CONNECTICUT 06033
TELEPHONE: (860) 659-3735
FAX: (860) 659-9368

MARK K. BRANSE
MATTHEW J. WILLIS*
ERIC KNAPP
CALEB F. HAMEL
*ADMITTED IN MASSACHUSETTS

OF COUNSEL:
RONALD F. OCHSNER

E-Mails:
mbranse@bransewillis.com
mwillis@bransewillis.com
eknapp@bransewillis.com
chamel@bransewillis.com

roschner@bransewillis.com

By email to: pandz@oxford-ct.gov

March 26, 2014

Tanya Carver, Chairman
Oxford Planning & Zoning Commission
Oxford Town Hall
486 Oxford Road
Oxford CT 06478

RE: Fee Estimates

Dear Chairman Carver;

I am in receipt of your letter dated March 24, 2014, concerning the fee estimates from Brian Miller of Turner Miller Group and James Galligan of Nafis & Young Engineers, Inc., both dated March 19, 2014. Those estimates consist of statements regarding what your consultants will review, and a final, summary statement of the estimated fee. No information is provided concerning how those estimated fees were arrived at.

I have spoken with Attorney Branse concerning your letter, and as an instructor for the Land Use Academy, he is well aware that it is impossible for any consultant to provide to-the-minute quotes of the estimated price. I am aware of this as well, and we are both well aware of the information that is normally included in proper fee estimates. As detailed in my email of today to Ms. Rycenga, we are not seeking, and have not asked for, down-to-the-minute accuracy; pursuant to a similar request for additional detail by this office during the wetlands proceedings for our application, Nafis & Young Engineers, Inc. produced an estimate of 108-138 total man-hours; a copy of that estimate is attached. You will note that it contains a ballpark estimate of the amount of time to be spent on each aspect of review. A similar breakdown for the planning & zoning portion of our approval process is all we requested. Since both Nafis & Young and Turner Miller Group would have needed to make such determinations in the process of developing their estimates, we do not expect that it will take a significant amount of time or energy to produce such information, and they are free to continue their review of our application while this information is being provided.

Oxford PZC
March 26, 2014
Page 2

In light of the past practices of the Town's consultants and your sister agency, the Oxford Inland Wetlands Agency, I am gravely disappointed by your refusal to accommodate our simple request for additional information for two reasons. First, as you are well aware, we have objected to the review of our development by yourself and a number of your fellow commissioners for reasons of predisposition, bias, and conflict of interest; the fact that this letter was written by yourself rather than the Commission's counsel suggests that neither you nor your fellow commissioners will recuse yourselves from the review of this development. I hereby **renew our objection** to review of this development by yourself, Vice-Chair Watt, Secretary Luff, Commissioner Cocchiarella, Commissioner Cosgrove, and Alternate Stocker. As stated in our letter to Ms. Rycenga dated February 27, we will not consent to any extensions of time to review this development beyond any deadline set by the Connecticut General Statutes.

Second, as you are well aware, the Honorable Judge Pickard of the Connecticut Superior Court has ordered your Commission to approve the site plan and zoning permit applications for this development subject to reasonable and necessary conditions as outlined in his decision of November 3, 2009, which has previously been provided to you. We have provided this site plan depicting reasonable and necessary modifications and included fees for the review and inspection of regrading in accordance with your regulations, but that was an accommodation to your Commission. The estimates provided by your consultants include review of regrading and review of items already determined by Judge Pickard, and our request for information was intended to verify that our client was not being double-charged by your consultants.

Our accommodation of your Commission is at an end. Your Commission has been ordered by the Court to approve our site plan and zoning permit application subject to reasonable and necessary conditions, and the cost of complying with a Court order properly rests with the ordered entity. We have provided you with modifications to the site plan that we believe address Judge Pickard's concerns; if your Commission believes they do not, the cost of fashioning new modifications is yours. If this site plan is denied for any reason, or if it is approved with unreasonable or unnecessary conditions, or if it is approved with conditions that exceed the scope of Judge Pickard's decision, we will not only appeal that decision, but we will file a motion for contempt against the Commission. If your Commission attempts to pass on the cost of any review of this site plan to my client, we will file a motion for contempt against the Commission and against the reviewing consultant. If you have any questions or concerns regarding our position, you should consult Attorney Micci immediately and ask him to contact our office.

Both Attorney Branse and I are also well aware that, when acting as consultants to your Commission, Turner Miller Group and Nafis & Young Engineers, Inc. are subject to the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 *et seq.* and that your Commission is forbidden by law from charging unreasonable review fees. In light

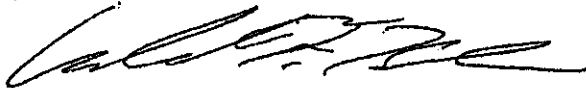
Oxford PZC
March 26, 2014
Page 3

of that, please consider this letter a request, pursuant to the Connecticut Freedom of Information Act, for all documents, including but not limited to notes, emails, letters, and memoranda, generated by or in the possession of the Town of Oxford, Nafis & Young Engineers, Inc., and/or Turner Miller Group that were used in the preparation of the March 19, 2014 estimates, excluding any documents provided by Garden Homes Management Corp., its consultants, or its counsel. Because of the pending public hearing, this is a time sensitive request.

Furthermore, both Attorney Branse and I are well aware that, pursuant to Conn. Gen. Stat. § 8-30g, your Commission is forbidden by law from denying our client's application on any basis unless your Commission proves 1) that the denial is necessary to protect substantial public interests in health and safety, 2) that those public interests outweigh the need for affordable housing in the Town of Oxford, and that 3) the public interests cannot be remedied by reasonable conditions of approval or reasonable modifications to the development. I am sure that your attorney can provide you with additional counsel and advice if you have any questions concerning the impact of statutory law and the order of the court on our request.

I look forward to reviewing the additional information that will be provided by your consultants.

Very truly yours,



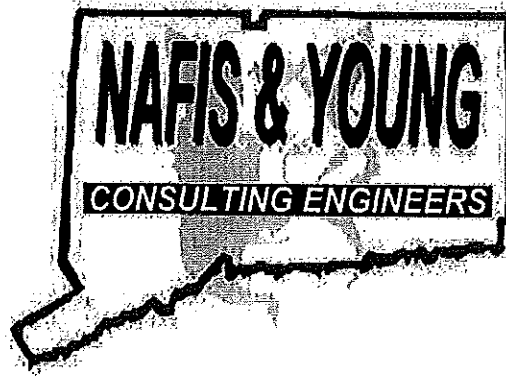
Caleb F. Hamel, Esq.

CH

cc: Richard Freedman, President, Garden Homes Management Corp.
Eugene Micci, Esq.
Anna Rycenga, Zoning Enforcement Officer

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ROR 15

*Leslie G. Nafis, P.E., L.S.
Allan S. Young, P.E.
James H. Galligan, P.E.
David L. Nafis, P.E., L.S.
Lawrence K. Secor, CHMM
Jonathan C. Harriman, P.E.
Mr. Edward J. Robarge, P.E.*

May 6, 2014

Mrs. Tanya Carver, Chairman
Oxford Planning and Zoning Commission
486 Oxford Road
Oxford, CT 06478

Re: Garden Homes, Oxford, CT

Dear Mrs. Carver:

Nafis & Young Engineers, Inc. is in receipt of correspondence dated April 15, 2014 from Mark Branse, Esq. And Steve Trinka regarding the above-referenced project in response to our April 8, 2014 letter. Each comment is addressed below.

Response to Comment No. 1: Response by the Applicants Engineer to comment No.1 does not address the fact that the sight line looking West on Hurley Road from Emily Drive is only 182 feet nor disputes that the requirement is 445 feet for passenger cars, 560 feet for single unit trucks and 680 feet for tractors / semi trailers. The obstruction to the sight line is a combination of shoulder of the applicant's property and the roadway of Hurley Road. The natural area along the road cannot be graded to eliminate the obstruction because the sight line crosses the primary entrance road to the project. The sight line of 182 feet at this location renders this proposed intersection as a threat to public health of safety of future residence of this facility as well as those using Hurley Road in this area.

Secondly, the Applicant's Engineer tries to classify these private roads as "driveways". Article 2, Section 44A of the Zoning Regulations of the Town of Oxford define "Roads, Internal- Private roads or driveways or other means of vehicular access that provide automobile and other vehicular access to the Internal uses within a proposed development, not including designated parking spaces. Such roads shall be privately owned and maintained." Article 2 Section 42 of the Zoning Regulations define Private Road as "Private Road- A private road shall be an easement of access off of a public highway owned in common by all the landowners to whom it provides access and

CIVIL ENGINEERING

ENVIRONMENTAL SERVICES

LAND SURVEYING

1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-2884-2885-2886-2887-2888-2889-2890-2891-2892-2893-2894-2895-2896-2897-2898-2899-2900-2901-2902-2903-2904-2905-2906-2907-2908-2909-2910-2911-2912-2913-2914-2915-2916-2917-2918-2919-2920-2921-2922-2923-2924-2925-2926-2927-2928-2929-2930-2931-2932-2933-2934-2935-2936-2937-2938-2939-2940-2941-2942-2943-2944-2945-2946-2947-2948-2949-2950-2951-2952-2953-2954-2955-2956-2957-2958-2959-2960-2961-2962-2963-2964-2965-2966-2967-2968-2969-2970-2971-2972-2973-2974-2975-2976-2977-2978-2979-2980-2981-2982-2983-2984-2985-2986-2987-2988-2989-2990-2991-2992-2993-2994-2995-2996-2997-2998-2999-3000-3001-3002-3003-3004-3005-3006-3007-3008-3009-3010-3011-3012-3013-3014-3015-3016-3017-3018-3019-3020-3021-3022-3023-3024-3025-3026-3027-3028-3029-3030-3031-3032-3033-3034-3035-3036-3037-3038-3039-3040-3041-3042-3043-3044-3045-3046-3047-3048-3049-3050-3051-3052-3053-3054-3055-3056-3057-3058-3059-3060-3061-3062-3063-3064-3065-3066-3067-3068-3069-3070-3071-3072-3073-3074-3075-3076-3077-3078-3079-3080-3081-3082-3083-3084-3085-3086-3087-3088-3089-3090-3091-3092-3093-3094-3095-3096-3097-3098-3099-3100-3101-3102-3103-3104-3105-3106-3107-3108-3109-3110-3111-3112-3113-3114-3115-3116-3117-3118-3119-3120-3121-3122-3123-3124-3125-3126-3127-3128-3129-3130-3131-3132-3133-3134-3135-3136-3137-3138-3139-3140-3141-3142-3143-3144-3145-3146-3147-3148-3149-3150-3151-3152-3153-3154-3155-3156-3157-3158-3159-3160-3161-3162-3163-3164-3165-3166-3167-3168-3169-3170-3171-3172-3173-3174-3175-3176-3177-3178-3179-3180-3181-3182-3183-3184-3185-3186-3187-3188-3189-3190-3191-3192-3193-3194-3195-3196-3197-3198-3199-3200-3201-3202-3203-3204-3205-3206-3207-3208-3209-3210-3211-3212-3213-3214-3215-3216-3217-3218-3219-3220-3221-3222-3223-3224-3225-3226-3227-3228-3229-3230-3231-3232-3233-3234-3235-3236-3237-3238-3239-3240-3241-3242-3243-3244-3245-3246-3247-3248-3249-3250-3251-3252-3253-3254-3255-3256-3257-3258-3259-3260-3261-3262-3263-3264-3265-3266-3267-3268-3269-3270-3271-3272-3273-3274-3275-3276-3277-3278-3279-3280-3281-3282-3283-3284-3285-3286-3287-3288-3289-3290-3291-3292-3293-3294-3295-3296-3297-3298-3299-3300-3301-3302-3303-3304-3305-3306-3307-3308-3309-3310-3311-3312-3313-3314-3315-3316-3317-3318-3319-3320-3321-3322-3323-3324-3325-3326-3327-3328-3329-3330-3331-3332-3333-3334-3335-3336-3337-3338-3339-3340-3341-3342-3343-3344-3345-3346-3347-3348-3349-3350-3351-3352-3353-3354-3355-3356-3357-3358-3359-3360-3361-3362-3363-3364-3365-3366-3367-3368-3369-3370-3371-3372-3373-3374-3375-3376-3377-3378-3379-3380-3381-3382-3383-3384-3385-3386-3387-3388-3389-3390-3391-3392-3393-3394-3395-3396-3397-3398-3399-3400-3401-3402-3403-3404-3405-3406-3407-3408-3409-3410-3411-3412-3413-3414-3415-3416-3417-3418-3419-3420-3421-3422-3423-3424-3425-3426-3427-3428-3429-3430-3431-3432-3433-3434-3435-3436-3437-3438-3439-3440-3441-3442-3443-3444-3445-3446-3447-3448-3449-3450-3451-3452-3453-3454-3455-3456-3457-3458-3459-3460-3461-3462-3463-3464-3465-3466-3467-3468-3469-3470-3471-3472-3473-3474-3475-3476-3477-3478-3479-3480-3481-3482-3483-3484-3485-3486-3487-3488-3489-3490-3491-3492-3493-3494-3495-3496-3497-3498-3499-3500-3501-3502-3503-3504-3505-3506-3507-3508-3509-3510-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constructed in accordance with the Town Road Ordinance, except as may be amended as described herein." It should be noted that Mr. Branse classifies these as "access road" in his letter dated April 15, 2014. The Applicant's Engineer also refers to these as access roads in his letter. Nafis & Young stated that the 10ft radii do not meet any road design standard to permit fire trucks to make efficient turns because that is the terminology used by Judge Pickard.

The current plans submitted to the Commission do not have 4" diameter underdrains along the access roads. Therefore, there is no way Nafis & Young can determine their adequacy for the intended use.

Response to Comment No. 2: The Applicant's Engineer agrees with Nafis & Young that this submittal is a complete "redesign of the project..." in his opening statement to this comment. Nafis & Young notes that he has misapplied roadway geometric design by designing intersection radius turns in the middle of roadways.

The "A Policy on Geometric Design of Highways and Streets 2001" provides design criteria for all engineers to use when considering the constraints associated with the roadway design.

One of the elements a designer must consider when designing curves in any roadway is side friction factor. Side friction factor is the ability of tires to maintain traction around a curve at a given speed. Chapter 3 of the above referenced document provides the formula for minimum radius of curvature at a given speed. Mr. Branse states in his letter that the posted speed for this site will be 15 miles per hour. Nafis & Young computes the minimum for a 15 mile per hour travel speed and a 3% cross slope as follows.

$$R_{min} = \frac{V^2}{15 (.01 \times \text{superelevation} + 0.175 \text{ friction factor})}$$

$$\frac{15^2}{15 (.01 \times .03 + 0.175)} = 85 \text{ ft}$$

Where
0.175= the friction factor from Exhibit 3-14
0.02= the cross slope of 3/8 inch/ft
V= design speed

Therefore, the minimum radius for safe travel on a roadway with a posted speed of 15 miles per hour is 88 feet. This computation provides evidence that the existing roadway design constitutes a hazard to public health and safety.

Please also note that the sub-division to which the Applicant's Engineer refers as examples of "identical road alignments" were designed in 1948. Design criteria has changed since 1948.

Comment No. 3- Please note that an A-2 Survey is required for applications to be deemed complete.

Comment No. 4- Response accepted

Comment No. 5- Response accepted .

Comment No. 6- Response noted. The Commission should be aware that the plans submitted are missing said data.

Comment No. 7- Response noted. The Commission should be aware that the plans submitted are missing said data.

Comment No. 8- The Commission should be aware that plans submitted do not meet the minimum standard set by CTDOT for safe roadway design.

Comment No. 9- Response noted. The Commission should be aware that the plans submitted are missing said data.

Comment No. 10- Intersection cross slopes at several intersections range up to 9.2%. These are unsafe cross slopes for roadways.

Comment No. 11- Nafis & Young has provided the Applicant's Engineer with pipe sections that need to be compliant with this requirement.

Comment No. 12- Response noted.

Comment No. 13- Response noted. The Commission should be aware that the plans submitted are missing said data.


Comment No. 14- Response noted. The Commission should be aware that the plans submitted are missing said data.

Comment No. 15- Response noted. The Commission should be aware that the plans submitted are missing said data.

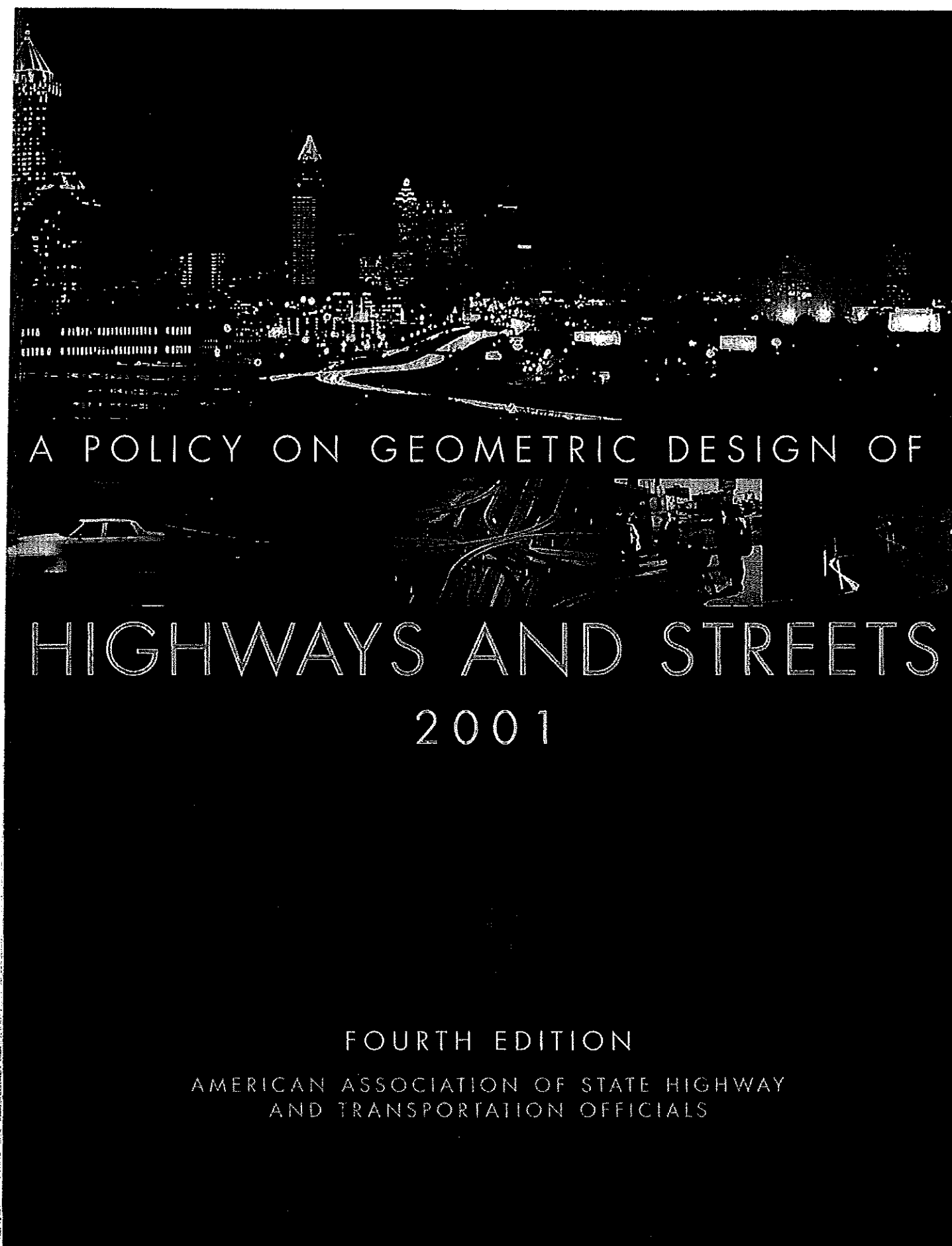
Comment No. 16- The roads noted in the response letter do not meet the Town Road Ordinance.

If you have any questions, please do not hesitate to contact our office.

Sincerely,


James H. Galligan, P.E.
Nafis & Young Engineers, Inc.





A POLICY ON GEOMETRIC DESIGN OF

HIGHWAYS AND STREETS

2001

FOURTH EDITION

AMERICAN ASSOCIATION OF STATE HIGHWAY
AND TRANSPORTATION OFFICIALS

Metric	US Customary
$R_{\min} = \frac{V^2}{127(0.01e_{\max} + f_{\max})}$	$R_{\min} = \frac{V^2}{15(0.01e_{\max} + f_{\max})} \quad (3-10)$

*

Design for Rural Highways, Urban Freeways, and High-Speed Urban Streets

On rural highways, on urban freeways, and on urban streets where speed is relatively high and relatively uniform, horizontal curves are generally superelevated and successive curves are generally balanced to provide a smooth-riding transition from one curve to the next. A balanced design for a series of curves of varying radii is provided by the appropriate distribution of e and f values, as discussed above, to select an appropriate superelevation rate in the range from the normal cross slope to maximum superelevation.

Exhibit 3-13 shows the recommended values of the side friction factor for rural highways, urban freeways, and high-speed urban streets as a solid line superimposed on the analysis curves from Exhibit 3-10. These recommended side friction factors provide a reasonable margin of safety at high speeds and lead to somewhat lower superelevation rates for low design speeds than do some of the other curves. The lower superelevation rates at the low speeds provide a greater margin of safety to offset the tendency of many motorists to overdrive highways with low design speeds.

For the reasons discussed above, it is recommended that maximum side friction factors for design of rural highways, urban freeways, and high-speed urban streets should be those represented by the solid line in Exhibit 3-13. These maximum side friction factors vary directly with design speed from 0.17 at 30 km/h [20 mph] to 0.14 at 80 km/h [50 mph] and then directly with design speed from 0.14 at 80 km/h [50 mph] to 0.08 at 130 km/h [80 mph]. The research report *Side Friction for Superelevation on Horizontal Curves* (22) confirms the appropriateness of these design values.

Based on the maximum allowable side friction factors from Exhibit 3-13, Exhibit 3-14 gives the minimum radius for each of the five maximum superelevation rates for design speeds from 20 to 130 km/h [15 to 80 mph].

Method 5, described previously, is recommended for the distribution of e and f for all curves with radii greater than the minimum radius of curvature on rural highways, urban freeways, and high-speed urban streets. Use of method 5 is discussed in the following text and exhibits.

Metric						US Customary					
Design Speed (km/h)	Maximum e (%)	Limiting Values of f	Total (e/100 + f)	Calculated Radius (m)	Rounded Radius (m)	Design Speed (mph)	Maximum e (%)	Limiting Values of f	Total (e/100 + f)	Calculated Radius (ft)	Rounded Radius (ft)
20	4.0	0.18	0.22	14.3	15	15	4.0	0.175	0.215	70.0	70
30	4.0	0.17	0.21	33.7	35	20	4.0	0.170	0.210	127.4	125
40	4.0	0.17	0.21	60.0	60	25	4.0	0.165	0.205	203.9	205
50	4.0	0.16	0.20	88.4	100	30	4.0	0.160	0.200	301.0	300
60	4.0	0.16	0.19	149.1	150	35	4.0	0.155	0.195	420.2	420
70	4.0	0.14	0.18	214.2	215	40	4.0	0.150	0.190	563.3	565
80	4.0	0.14	0.18	279.8	280	45	4.0	0.145	0.185	732.2	730
90	4.0	0.13	0.17	375.0	375	50	4.0	0.140	0.180	929.0	930
100	4.0	0.12	0.16	491.9	490	55	4.0	0.130	0.170	1190.2	1190
						60	4.0	0.120	0.160	1505.0	1505
20	6.0	0.18	0.24	13.1	15	15	6.0	0.175	0.235	64.0	65
30	6.0	0.17	0.23	30.8	30	20	6.0	0.170	0.230	116.3	115
40	6.0	0.17	0.23	54.7	55	25	6.0	0.165	0.225	185.8	185
50	6.0	0.16	0.22	89.4	90	30	6.0	0.160	0.220	273.8	275
60	6.0	0.15	0.21	134.9	135	35	6.0	0.155	0.215	381.1	380
70	6.0	0.14	0.20	192.8	195	40	6.0	0.150	0.210	509.6	510
80	6.0	0.14	0.20	251.8	250	45	6.0	0.145	0.205	660.7	660
90	6.0	0.13	0.19	335.6	335	50	6.0	0.140	0.200	836.1	835
100	6.0	0.12	0.18	437.2	435	55	6.0	0.130	0.190	1065.0	1065
110	6.0	0.11	0.17	560.2	560	60	6.0	0.120	0.180	1337.8	1340
120	6.0	0.09	0.15	755.6	755	65	6.0	0.110	0.170	1662.4	1660
130	6.0	0.08	0.14	950.0	950	70	6.0	0.100	0.160	2048.5	2050
						75	6.0	0.090	0.150	2508.4	2510
						80	6.0	0.080	0.140	3057.8	3060
20	8.0	0.18	0.28	12.1	10	15	8.0	0.175	0.255	59.0	60
30	8.0	0.17	0.25	28.3	30	20	8.0	0.170	0.250	107.0	105
40	8.0	0.17	0.25	50.4	50	25	8.0	0.165	0.245	170.8	170
50	8.0	0.16	0.24	82.0	80	30	8.0	0.160	0.240	250.8	250
60	8.0	0.15	0.23	123.2	125	35	8.0	0.155	0.235	348.7	350
70	8.0	0.14	0.22	175.3	175	40	8.0	0.150	0.230	465.3	465
80	8.0	0.14	0.22	228.9	230	45	8.0	0.145	0.225	602.0	600
90	8.0	0.13	0.21	303.8	305	50	8.0	0.140	0.220	760.1	760
100	8.0	0.12	0.20	393.5	395	55	8.0	0.130	0.210	963.5	965
110	8.0	0.11	0.19	501.2	500	60	8.0	0.120	0.200	1204.0	1205
120	8.0	0.09	0.17	666.6	665	65	8.0	0.110	0.190	1487.4	1485
130	8.0	0.08	0.16	831.3	830	70	8.0	0.100	0.180	1820.9	1820
						75	8.0	0.090	0.170	2213.3	2215
						80	8.0	0.080	0.160	2675.6	2675
20	10.0	0.18	0.28	11.2	10	15	10.0	0.175	0.275	64.7	65
30	10.0	0.17	0.27	26.2	25	20	10.0	0.170	0.270	99.1	100
40	10.0	0.17	0.27	46.6	45	25	10.0	0.165	0.265	167.8	160
50	10.0	0.16	0.26	75.7	75	30	10.0	0.160	0.260	231.5	230
60	10.0	0.15	0.25	113.3	115	35	10.0	0.155	0.255	321.3	320
70	10.0	0.14	0.24	160.7	160	40	10.0	0.150	0.250	428.1	430
80	10.0	0.14	0.24	209.9	210	45	10.0	0.145	0.245	552.9	555
90	10.0	0.13	0.23	277.2	275	50	10.0	0.140	0.240	696.8	695
100	10.0	0.12	0.22	357.7	360	55	10.0	0.130	0.230	879.7	880
110	10.0	0.11	0.21	453.6	455	60	10.0	0.120	0.220	1094.6	1095
120	10.0	0.09	0.19	598.6	595	65	10.0	0.110	0.210	1345.8	1345
130	10.0	0.08	0.18	738.9	740	70	10.0	0.100	0.200	1638.8	1640
						75	10.0	0.090	0.190	1980.3	1980
						80	10.0	0.080	0.180	2378.3	2380
20	12.0	0.18	0.30	10.6	10	15	12.0	0.175	0.295	61.0	60
30	12.0	0.17	0.29	24.4	25	20	12.0	0.170	0.290	92.3	90
40	12.0	0.17	0.29	43.4	45	25	12.0	0.165	0.285	146.7	145
50	12.0	0.16	0.28	70.3	70	30	12.0	0.160	0.280	215.0	215
60	12.0	0.15	0.27	104.9	105	35	12.0	0.155	0.275	298.0	300
70	12.0	0.14	0.26	148.3	150	40	12.0	0.150	0.270	396.4	395
80	12.0	0.14	0.26	193.7	195	45	12.0	0.145	0.265	511.1	510
90	12.0	0.13	0.25	255.0	255	50	12.0	0.140	0.260	643.2	645
100	12.0	0.12	0.24	327.9	330	55	12.0	0.130	0.250	809.4	810
110	12.0	0.11	0.23	414.0	415	60	12.0	0.120	0.240	1003.4	1005
120	12.0	0.09	0.21	539.7	540	65	12.0	0.110	0.230	1228.7	1230
130	12.0	0.08	0.20	665.0	665	70	12.0	0.100	0.220	1489.8	1490
						75	12.0	0.090	0.210	1791.7	1790
						80	12.0	0.080	0.200	2140.6	2140

Note: In recognition of safety considerations, use of $e_{max} = 4.0\%$ should be limited to urban conditions.

Exhibit 3-14. Minimum Radius for Design of Rural Highways, Urban Freeways, and High-Speed Urban Streets Using Limiting Values of e and f

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Trinka Engineering, LLC
114 Hunters Ridge Road
Southbury, Connecticut 06488
203-264-4558 (phone & fax)
E-mail: stinka@earthlink.net
Website: <http://www.trinkaengineering.com>

April 15, 2014

Ms. Tanya Carver, Chairman
Oxford Planning and Zoning Commission
486 Oxford Road
Oxford, Connecticut 06478

Re: Nafis & Young Letter of April 8, 2014
Oxford Commons, Hurley Road

Dear Ms. Carver and Members of the Planning and Zoning Commission,

This is my response to the engineering comments raised in the Nafis & Young letter of April 8, 2014 regarding the Oxford Commons Application. Each comment is addressed below.

Comment #1:

The comment concerning the sight distance is vague and misleading as it claims to be only 182', but does not note whether the perceived obstruction is the surface of the road or the existing slope along the north side of Hurley Road. Based upon a review of the plan, the perceived obstruction is the natural area along the road which can be graded by the Town to eliminate the perceived obstruction. A 10' radius is used on residential driveways and is sufficient to allow for the movement of emergency vehicles. The radii can be dimensioned on the plan. N&Y makes the following statement: "...and do not meet any road design standard to permit fire trucks to make *efficient*" (emphasis added) turns. This statement implies that a fire truck can make this turn, and that in the N&Y opinion it is simply "not efficient". This does not mean that it does not work.

The use of 10' radius curve returns does not mean that the second access point does not work or that it is unsafe.

As for the swale discharge, as a condition of approval we will add a 4" diameter underdrain similar to that already depicted on the plans running from the end of the swales along the access roads and eliminated the depicted "fingers" of the swales. This underdrain will discharge to the currently-depicted catchbasins north of Hurley Road in the swales.

Comment #2:

In the redesign of the project to address the concerns raised by the court, a linear design was implemented to provide 90 degree intersections to the maximum extent practical. At each intersection 25' radiuses are used for the curve returns. This is a standard radius used where new roads meet existing roads in the Town of Oxford and easily permit the movement of emergency vehicles. The same radius is used on Naomi Lane, Emma Drive and Rebecca Lane where there is a curve. It is also important to note that the above stated roads have at least one other ingress and egress point to one of the other roads, so that there are multiple paths an emergency vehicle can take. Emergency access is easily provided on this site.

No evidence is provided to support the statement that the design constitutes a safety hazard. In fact, there are other residential developments in Oxford that have virtually identical road alignments. One that comes to mind is Buckshin Lane off Cheyene Road, Pawree Road, Cherokee Drive and Manitook Drive. Buckshin Lane is perpendicular to and at the ends of the other roads and it does not appear to any safety issues

Comment #3:

We submitted an A-2 as part of the wetland application and as part of the original application for this development. A copy of the same can be provided to the Planning and Zoning office for reference purposes.

Comment #4:

There were no technical changes to the Stormwater Management Report except for the inclusion of the additional information submitted during the wetland application at the request of Nafis & Young.

Comment #5:

The Bioswales shown on the plans are designed to convey the runoff associated with the 10-yr rainfall event as required by the CT DEP 2004 Storm Water Quality Manual. At the request of N&Y during the wetland application, the structural components of the stormwater management system which convey excess runoff from the swales to detention basins were sized to handle the runoff from the 10-yr rainfall event. Note that the zoning regulations for the Corporate Zone do not apply to this application, which is governed by Section 6A only.

Comment #6:

Radii at all interior intersections are 25'. A note indicating such can be added to the plan as a Condition of Approval.

Comment #7:

That note is no longer valid and has been removed from the Sheet 5. The pipe run from CB #8 to CB #9 to FE #9A has a pitch of 1.0%.

Comment #8:

The CONNDOT design manual does not govern the vertical geometry of the proposed access driveways, which are private internal service drives. Three sag vertical curves will be revised to provide a K Value per the CONNDOT Manual of 17 for a design speed of 20 mph.

These revisions are minor in nature. All other vertical curves meet the CONNDOT Manual K Values for a design speed of 20 mph.

Comment #9:

Information can be added to the plans as a Condition of Approval.

Comment #10:

In Chapter 98 of the Town of Oxford Ordinances (Streets, Sidewalks and Driveways) there is no requirement for a tangent at road intersections. In any event, these are not Town roads and the driveway geometry is perfectly safe as designed.

Comment #11:

The drainage system pipe crossings were previously reviewed by Nafis & Young during the wetlands approval process. The relevant information can be added to the plans as a Condition of Approval.

Comment #12:

No sidewalks are proposed. Further discussion of this point will be provided by Atty. Branse.

Comment #13:

A note can be added as requested as a Condition of Approval.

Comment #14:

Can be added as a Condition of Approval.

Comment #15:

Bituminous concrete mix names can be added to the plans as a Condition of Approval.

Comment #16:

There is only one section of Naomi Lane that has a grade over 8% (9.0%). If a vehicle has difficulty climbing a slope of 9% over this short section of Naomi Lane, all the same dwellings can be reached via Emily Drive. Note that a 9% grade means 9 feet of vertical rise over a 100-foot horizontal distance, which is typical of many roads and driveways in Connecticut. By no means is such a grade "unsafe."

Please contact my office if you have any questions concerning this information.

Respectfully Submitted,
Trinkaus Engineering, LLC



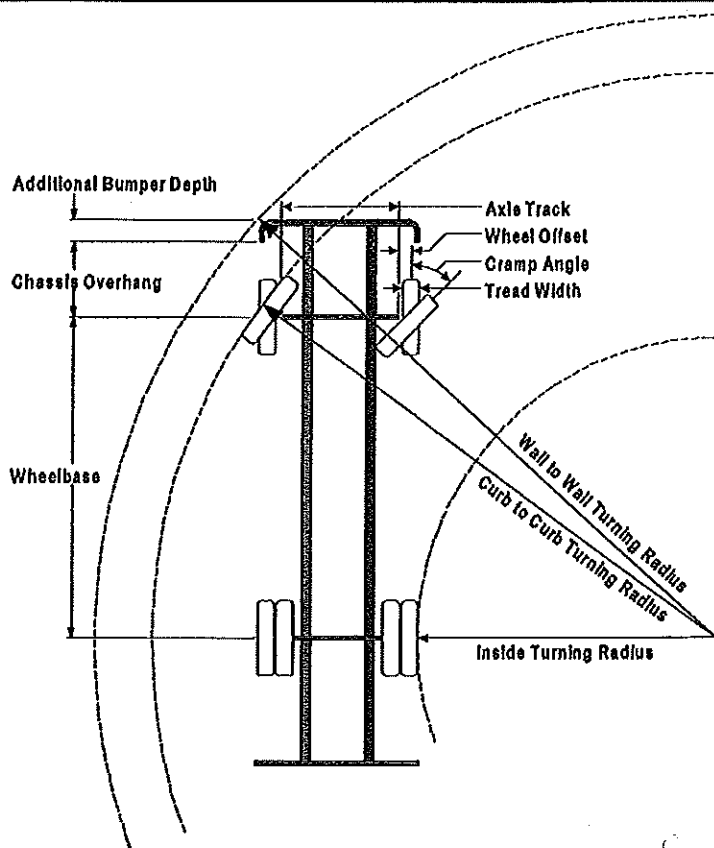
Steven Trinkaus, PE, CPESC, CPSWQ

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Turning Performance Analysis

4/21/2014



Parameters:

Inside Cramp Angle:	45.00 °
Axle Track:	82.92 in.
Wheel Offset:	0.00 in.
Tread Width:	17.40 in.
Chassis Overhang:	68.99 in.
Additional Bumper Depth:	16.00 in.
Front Overhang:	84.99 in.
Wheelbase:	247.50 in.

Calculated Turning Radii:

Inside Turn:	19 ft. 11 in.
Curb to Curb:	35 ft. 2 in.
Wall to Wall:	39 ft. 7 in.

Comments:

Aerial Application

Truck 20492

Components	PRIDE #	Description
Front Axle	0515157	Axle, Front, Oshkosh TAK-4 w/ Lift & Tow, Non Drive, 22,800 lb, DLX/Bnf
Front Tires	0052978	Tires, Goodyear, 425/65R22.50 20 ply G286 tread
Chassis	0054967	Arrow-XT Chassis, Aerials/Tankers, Tandem, 48K
Front Bumper	0550015	Bumper, 16" extended - AXT
Aerial Device	0026900	Aerial, 105' Heavy Duty Ladder

Notes:

Actual Inside Cramp Angle may be less due to highly specialized options.

Curb to Curb turning radius calculated for a 9.00 inch curb.



Turning Performance Analysis

4/21/2014

Definitions:

Inside Cramp Angle	Maximum turning angle of the front inside tire.
Axle Track	King-pin to king-pin distance of the front axle.
Wheel Offset	Offset from the center-line of the wheel to the king-pin.
Tread Width	Width of the tire tread.
Chassis Overhang	Distance from the center-line of the front axle to the front edge of the cab. This does not include the bumper depth.
Additional Bumper Depth	Depth that the bumper assembly adds to the front overhang.
Wheelbase	Distance between the center lines of the vehicle's front and rear axles.
Inside Turning Radius	Radius of the smallest circle around which the vehicle can turn.
Curb to Curb Turning Radius	Radius of the smallest circle inside of which the vehicle's tires can turn. This measurement assumes a curb height of 9 inches.
Wall to Wall Turning Radius	Radius of the smallest circle inside of which the entire vehicle can turn. This measurement takes into account any front overhang due to the chassis, bumper extensions and/or aerial devices.

THE DEFENDANT OXFORD
PLANNING & ZONING
COMMISSION

By: _____

Eugene D. Micci, Esq.
Micci & Korolyshun, P.C.
10 Elizabeth Street
P.O. Box 321
Derby, CT, 06418
Tel: (203) 735-9220
Fax: (203) 735-0136
Juris: 420494

CERTIFICATION

This is to certify that a copy of the foregoing has been, or will immediately be, electronically delivered and/or mailed, postage prepaid, to the following parties and counsel of record this 9th day of March, 2015.

Branse & Willis, LLC
148 Eastern Boulevard, Suite 301
Glastonbury, CT, 06033

Eugene D. Micci, Esq.
Commissioner of the Superior Court



Planning and Zoning Commission

ROR 1

* Referred to:

TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

JG - 3/11/14
BM - 3/11/14
WPCA - 3/26/14
Ox Amb - 3/26/14
Fire Dept - 3/26/14

Z#:	<u>Z-14-012</u>
Date Received:	<u>2/28/14</u>
Date Accepted:	<u>3/4/14 (CGS)</u>
Date on Agenda:	<u>3/11/14</u>
65 Day Exp.:	_____
Extension:	_____
2 nd Extension:	_____

*** Please Note:**

- Read Instructions Thoroughly Before Completing Form
- This form Must Be Completely Typewritten or Legibly Printed in Ink

1) APPLICATION: This is an application for: *(Check the ones that apply)*

- | | | |
|---|---|--|
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Resubdivision | Total Number of Lots: _____ |
| <input type="checkbox"/> Zone Change | <input type="checkbox"/> Special Exception | S/E (Include Article & Section No.): _____ |
| <input type="checkbox"/> Excavation | <input type="checkbox"/> Map/Text Amendment | (Include Article & Section No.): _____ |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Other | _____ |

Name of Project - Title: Oxford Commons

2) PROPERTY LOCATION(s):

a) Street Address: 117 Hurley Road, Oxford, CT

Town Clerk Record Map Number: _____

Assessor's Identification Numbers:

Map: 2 Block: 36 Lot: 2 Unit: _____

Zoning District: *(Check One)*

- | | | | |
|----------------------------------|------------------------------------|------------------------------|--|
| <input type="checkbox"/> RES A | <input type="checkbox"/> RES Golf | <input type="checkbox"/> COM | <input type="checkbox"/> Planned COM |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input checked="" type="checkbox"/> Other -MIHD |

Water and Sewer: *(Check the ones that apply)*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems | <input checked="" type="checkbox"/> Public Water |

b) Street Address: Hurley Road, Oxford, CT

Town Clerk Record Map Number: _____

Assessor's Identification Numbers:

Map: 2 Block: 36 Lot: 2B Unit: _____

Zoning District: *(Check One)*

- | | | | |
|----------------------------------|------------------------------------|------------------------------|---|
| <input type="checkbox"/> RES A | <input type="checkbox"/> RES Golf | <input type="checkbox"/> COM | <input type="checkbox"/> Planned COM |
| <input type="checkbox"/> RES POD | <input type="checkbox"/> Ox Center | <input type="checkbox"/> IND | <input type="checkbox"/> CORP BP <input checked="" type="checkbox"/> Other MIHD |

Water and Sewer: *(Check the ones that apply)*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Municipal Sanitary Sewers | <input type="checkbox"/> Private Wells |
| <input type="checkbox"/> On Site Septic Systems | <input checked="" type="checkbox"/> Public Water |

Please indicate who will be the POINT OF CONTACT:

(All communications and correspondence will be directed to the Point of Contact)

(Check one)

☒ APPLICANT ☐ OWNER ☐ LAND SURVEYOR ☐ ENGINEER ☐ ARCHITECT

3) APPLICANT: Garden Homes Management Corp. By Mark K. Branse, Esq.
Address: 148 Eastern Blvd., Ste 301,
Town: Glastonbury State: CT Zip Code: 06033
Phone: (860) 633-3735 Fax: (860) 659-9368 Email: mbranse@bransewillis.com

4) OWNER(s): Third Garden Park, L.P. By Mark K. Branse, Esq.
Address: 148 Eastern Blvd., Ste 301
Town: Glastonbury State: CT Zip Code: 06033
Phone: (860) 659-3735 Fax: (860) 659-9368 Email: mbranse@bransewillis.com

5) APPLICANT'S OWNERSHIP INTEREST: General Partner of Owner
Kratzert, Jones & Associates, Inc.

6) LAND SURVEYOR: James Sakonchick, P.E.L.S REG. No: PEL.0011302
Address: 1755 Meridan-Waterbury Tpke., P.O. Box 337
Town: Milldale State: CT Zip Code: 06467
Phone: (860) 621-3638 Fax: (860) 621-9606 Email: info@kratzertjones.com
Steve Trinkaus, P.E., LPESC, CPSWQ

7) CIVIL ENGINEER: Trinkaus Engineering, LLC REG. No: PEN.0015546
Address: 114 Hunters Ridge Road
Town: Southbury State: CT Zip Code: 06488
Phone: (203) 264-4558 Fax: (203) 264-4558 Email: strinkaus@earthlink.net

8) ARCHITECT: _____ REG. No: _____
Address: _____
Town: _____ State: _____ Zip Code: _____
Phone: () _____ Fax: () _____ Email: _____

9) PREFERRED OR RECOMMENDED NAMES OF NEW ROADS TO BE CONSTRUCTED: Oxford Commons
West, Emily Drive, Naomi Lane, Jessica Lane, Emma Lane* (Subject to BOS Approval)
(Check One) ☒ Private Road ☐ Town Road 5,760 feet total Length of Road *Rebecca Lane

10) STATUS OF WETLANDS PERMIT: Approved subject to ongoing appeal (both attached)
(Please Provide a Copy)

11) ACREAGE OF OPEN SPACE and/or CONSERVATION EASEMENTS: +/- 30

12) SURETY OPTION (See Article 9 of Subdivision Regulations):

(Check the one that applies)

☒ Not Applicable.

☐ Improvements will be completed prior to endorsement and filing of record subdivision.

☐ Surety will be provided.

☐ Conditional approval is requested.

13) WAIVERS:

(Check the one that applies)

☒ Not Applicable.

☐ No waivers of the subdivision regulations are required.

☐ Waivers of one or more sections of the subdivision regulations are requested.

(Please provide a written description of the reason for the waiver and attached to and make part of this application.)

14) EARTH EXCAVATION:

(Check one)

☒ Yes ☐ No

If yes, how many cubic yards of material to be removed, filled, and/or dispersed. 6600 ^{on} cubic yards.

15) FLOOD ZONE:

(Check one)

☐ Yes ☒ No If yes, what zone. _____

16) APPLICATION/SUPPORTING DOCUMENTS:

(Indicate Attached or Not Applicable)

Attached	Project Narrative Letter	_____	Fire Marshal's Review	
_____	Record Subdivision Plan	Attached	Letter from Public Water Supply	
Road	Attached	Site Development Plan	_____	P.D.D.H. Approval
Road Profiles	Attached	Plan and Profile	Attached	Inland Wetlands Approval
_____	Attached	Standard Construction Details	_____	W.P.C.A. Approval
_____	_____	Connecticut Highway Department	_____	Legal Boundary Description
_____	_____	Engineering Department Review	_____	Zoning and Subdivision History
Attached	Drainage Calculations	_____	Certificate from Assessor	
_____	Other: _____	_____	Other: _____	

17) REFERRALS:

(Check the ones that apply)

- ☐ A portion of the property effected by the decision of the Commission is located within five hundred (500) feet of the boundary of an adjoining municipality.
- ☐ A portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage system within the adjoining municipality.
- ☐ Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- ☐ Subdivision/Resubdivision includes land which abuts or is partially located in the Town of _____.
- ☐ Referral to Regional Planning Agencies is required.

If any of the above applies, the applicant is required to give written notice of his/her application to the adjoining municipality and submit a copy to P&Z. Notification must be by **CERTIFIED MAIL/RETURN RECEIPT.**

18) APPLICATION FEES: (Additional fees may apply - See Schedule of Fees)

Application Fee is as follows:

Site Plan
1 _____ ~~Building~~ Lots (x) \$ 350.00 per lot = \$ 350.00
6600 Cubic yards (x) \$100 for each 1,000 cubic yards = \$ 660.00

Public Hearing Fee = \$ _____
Other Fees = \$ 1210.00 Major Re-grading
State Fee = \$ 60.00
Total Fee = \$ 2,280.00 (Ck#) _____

19) AUTHORIZATION AND ENDORSEMENTS:

a) APPLICANT:

I (we) hereby certify that I (we) are making this application on behalf of and with full authority of the owner(s) of the property or premises and am aware of and understand the Zoning and/or Subdivision Regulations pertinent to the application and affirm that the statements and information provided are accurate and true. Further, the undersigned hereby authorizes the Town of Oxford and its agents, to access the premises during normal business hours or hours of construction, for the purpose of pre and post application investigations, inspection of improvements or construction, and enforcement of the Zoning and/or Subdivision Regulations, Town Ordinances, and/or General Statutes of the State of Connecticut, as may be applicable and/or amended.

APPLICANT SIGNATURE [Signature]

Garden Homes Management Corp

NAME PRINTED By Mark K. Branse, Esq.

DATE 2-27-14

Its Attorney

b) PROPERTY OWNER(s):

The undersigned, being all of the owners of the premises referred above, hereby consent to the filing of this application together with meeting of all requirements of the applicant by the Commission for same.

OWNER SIGNATURE [Signature]

Third Garden Park, LP

NAME PRINTED By Mark K. Branse, Esq.

DATE 2-27-14

Its Attorney

OWNER SIGNATURE _____

NAME PRINTED _____

DATE _____

20) INFORMATIONAL:

Communications with and recommendations from contracted P&Z staff are the sole responsibility of the applicant.

21) ACTION TAKEN:

(This SECTION is to be filled out by Planning & Zoning Staff ONLY)

☒ DENIED / ☐ APPROVED
(Check One)

APPROVED WITH CONDITIONS ☐ Yes or ☐ No
(Check One)

See Letter dated May 7, 2014 for DETAILS of ACTION taken and attach a copy hereto.

BY: Annica Penwell, Admin. Secretary DATE 5/7/14
(Name & Title)



TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Planning & Zoning Commission

May 7, 2014

Garden Homes Management Corp.
By Mark K. Branse, Esq.
148 Eastern Blvd., Ste. 301
Glastonbury, CT 06033

RE: Z-14-012 – Garden Homes Management Corp. – Site Plan

Dear Mr. Branse:

The Planning & Zoning Commission's Regular Meeting held on May 6, 2014 the Commission took the following action regarding application: **Z-14-012 – Oxford Commons – Owner & Applicant: Garden Homes Management Corp., By Mark Branse, Esq. Address: 117 Hurley Road (Map:2 Block: 36 Lot: 2) & Hurley Road (Map:2 Block: 36 Lot: 2B)** (Application for Site Plan Approval – C.G.S. 8-30g) (Proposed Development for manufactured housing community containing 124 home spaces and infrastructure).

MOTION BY Chairman Carver to DENY without prejudice application Z-14-012 – Oxford Commons – Owner & Applicant: Garden Homes Management Corp., By Mark Branse, Esq. Address: 117 Hurley Road (Map:2 Block: 36 Lot: 2) & Hurley Road (Map:2 Block: 36 Lot: 2B) (Application for Site Plan Approval – C.G.S. 8-30g) (Proposed Development for manufactured housing community containing 124 home spaces and infrastructure) for the following reasons:

1. Due to the fact that it is an incomplete application since the fees have not been paid for expert review. Reference Zoning Regulations Article 3 – General Regulations, Section 3.19.1 – Expert review of the application: The Commission may at its discretion hire or engage outside experts to assist in its evaluation of any application for site plan approval, or approval by special exception. The total cost of all outside expertise shall be borne by the applicant. The Commission may require an initial payment to be determined for the hiring of these experts, prior to its review of the application. This payment shall be considered as an integral component of the application and the failure of this applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within 30 days of receiving an invoice the Commission may revoke all approvals of the application and pursue all necessary action to receive payment.
2. New information has been presented to the commission and staff and experts have not had a reasonable opportunity to review the new information presented by the applicant at this hearing of May 6, 2014.
3. The Commission has requested an extension in order to provide a fair and reasonable evaluation of the application and supporting documents. The extension request was refused.


Second by Vice Chairman Luff.

Noted: The following Commission members would vote: John Kerwin, Harold Cosgrove, Arnie Jensen, Jeff Luff, Tanya Carver and Todd Romagna.

VOTE: All Ayes.

Please feel free to contact me with any questions at (203) 828-6512 or at pandz@oxford-ct.gov.

Sincerely & by Direction of the Commission,


Jessica Pennell

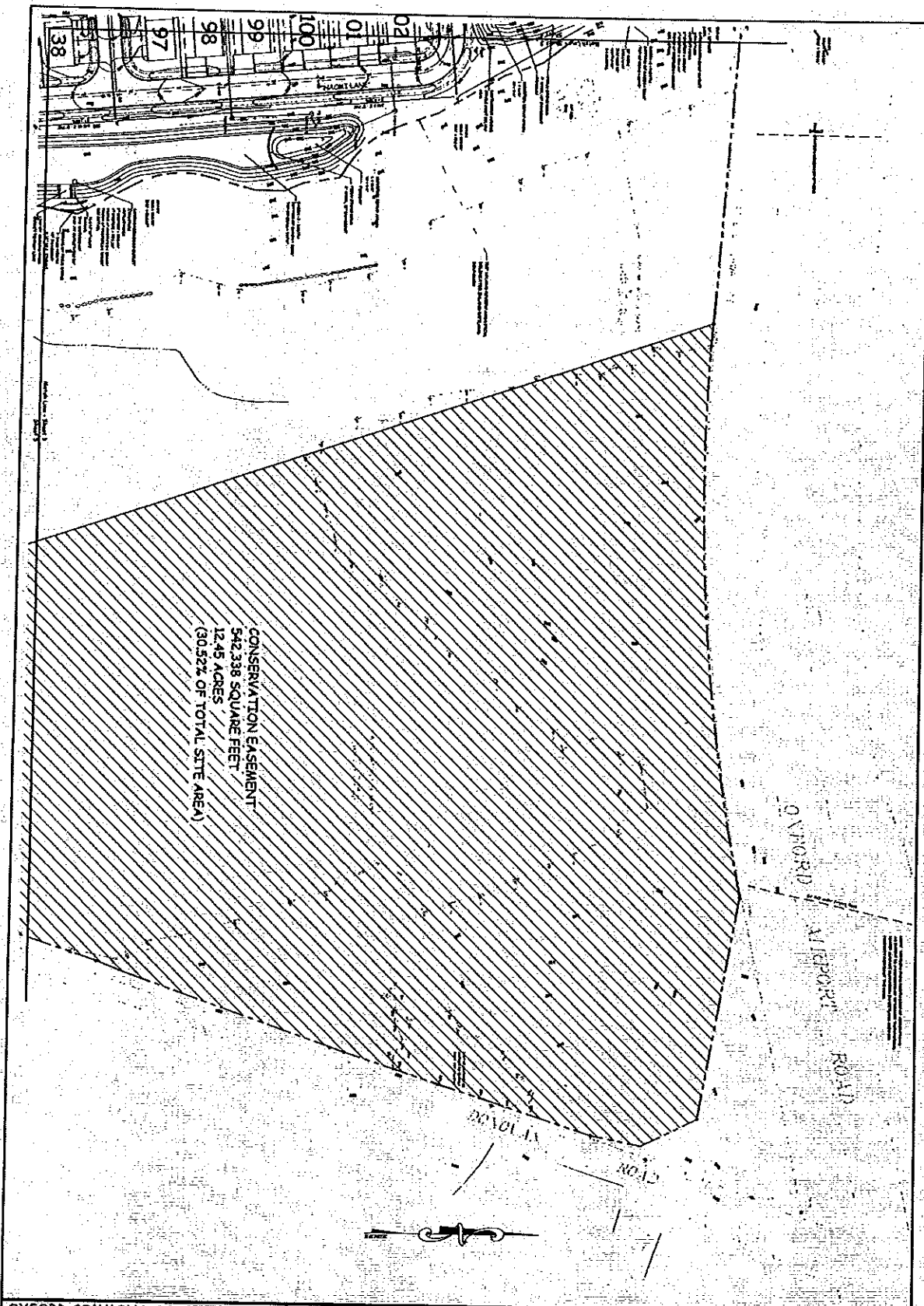
Administrative Secretary
Planning & Zoning Commission

Mailed Certified Return/Receipt on 5/7/2014
7011 0470 0003 1449 7275

cc: Planning & Zoning File

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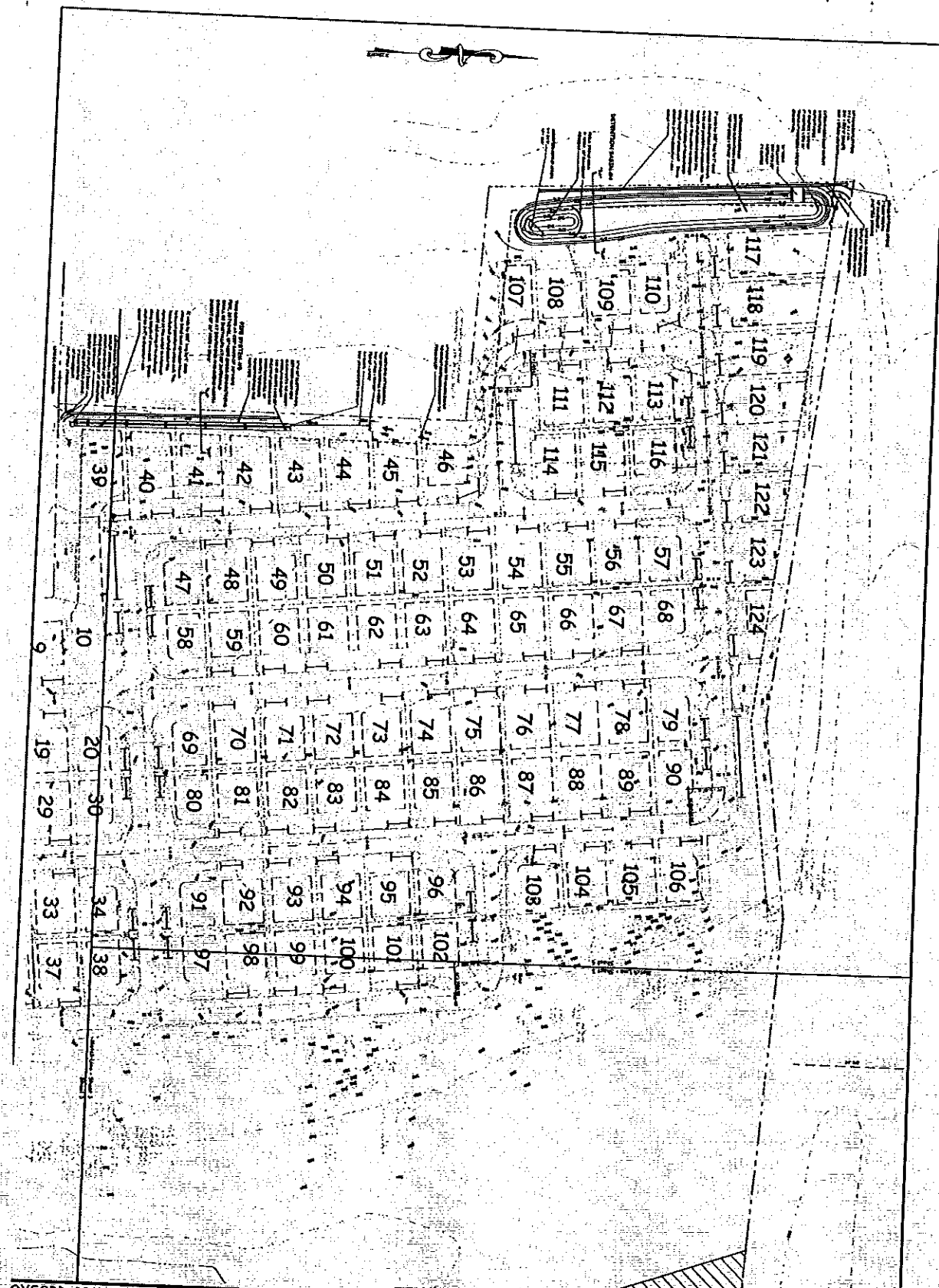


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GARDEN HOMES MANAGEMENT
HURLEY ROAD
OXFORD - CONNECTICUT

SITE DEVELOPMENT PLAN
SHEET 3 OF 16
PROJECT #086-2004
SCALE: 1" = 40'
DATE: February 7, 2014



TRINKAUS ENGINEERING, LLC
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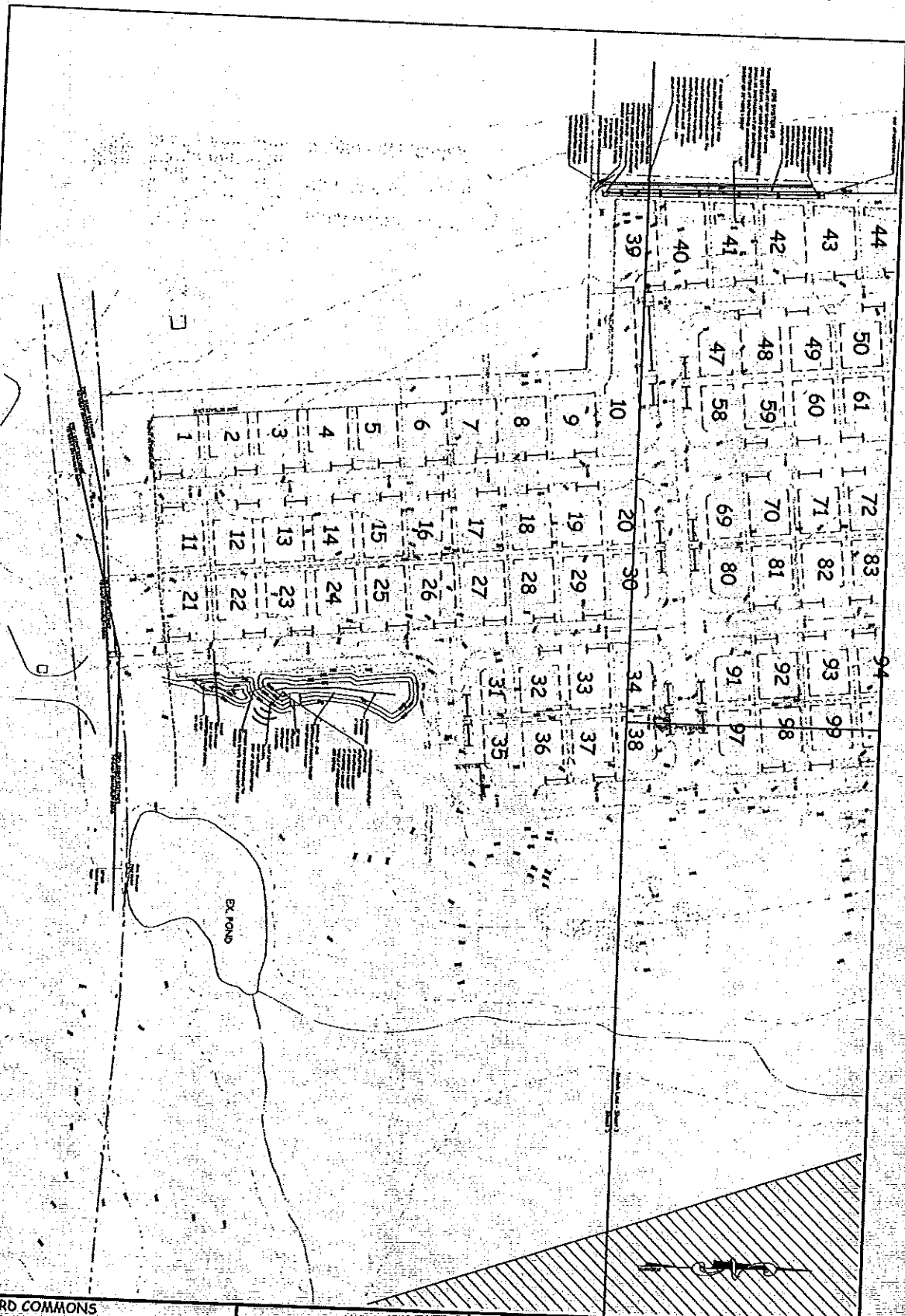


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 HURLEY ROAD
 OXFORD - CONNECTICUT

SITE DEVELOPMENT PLAN
 SHEET 4 OF 16
 PROJECT #086-2004
 SCALE: 1" = 40'
 DATE: February 7, 2014



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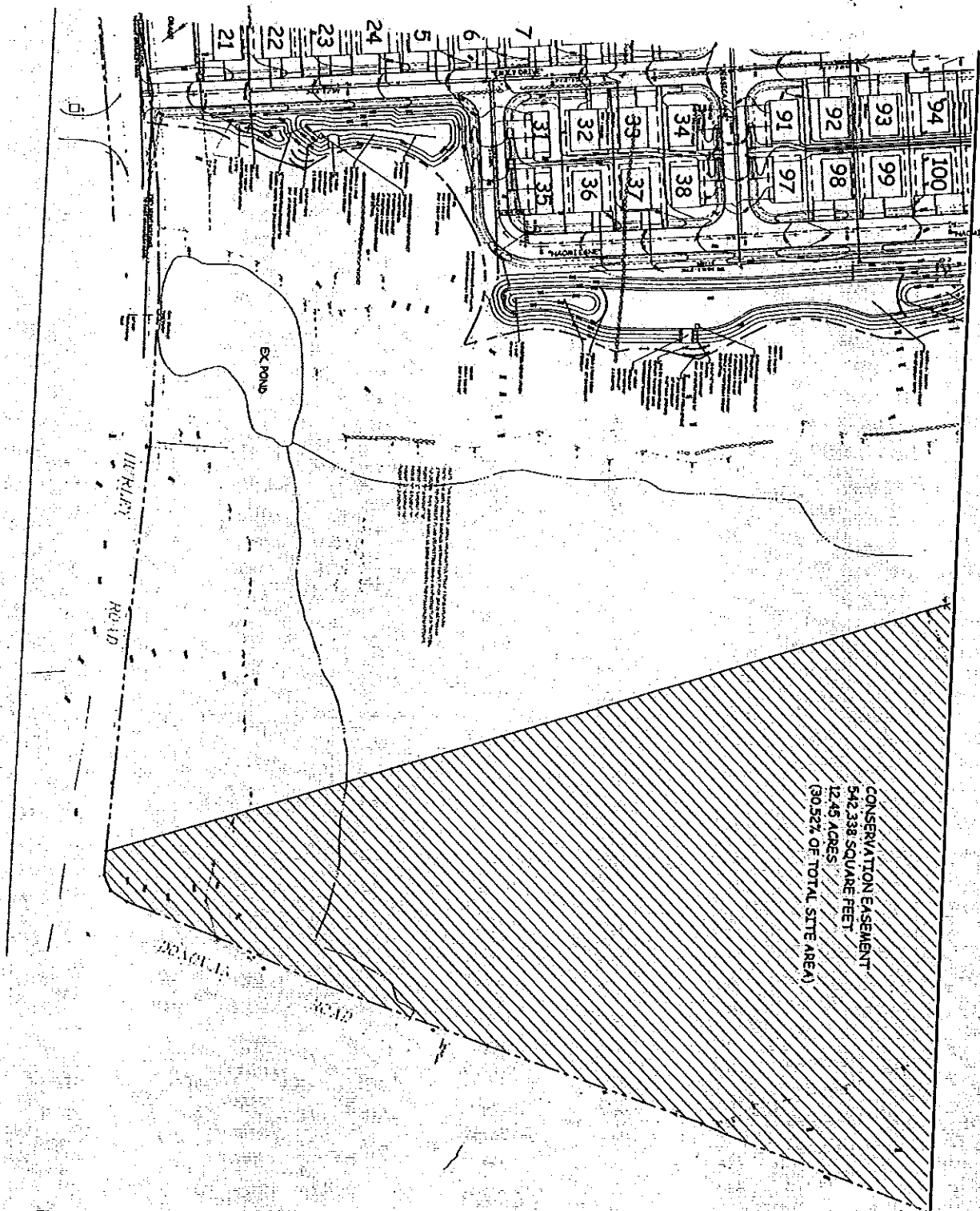


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 HURLEY ROAD
 OXFORD - CONNECTICUT

SITE DEVELOPMENT PLAN
 SHEET 5 OF 16
 PROJECT #086-2004
 SCALE: 1" = 40'
 DATE: February 7, 2014



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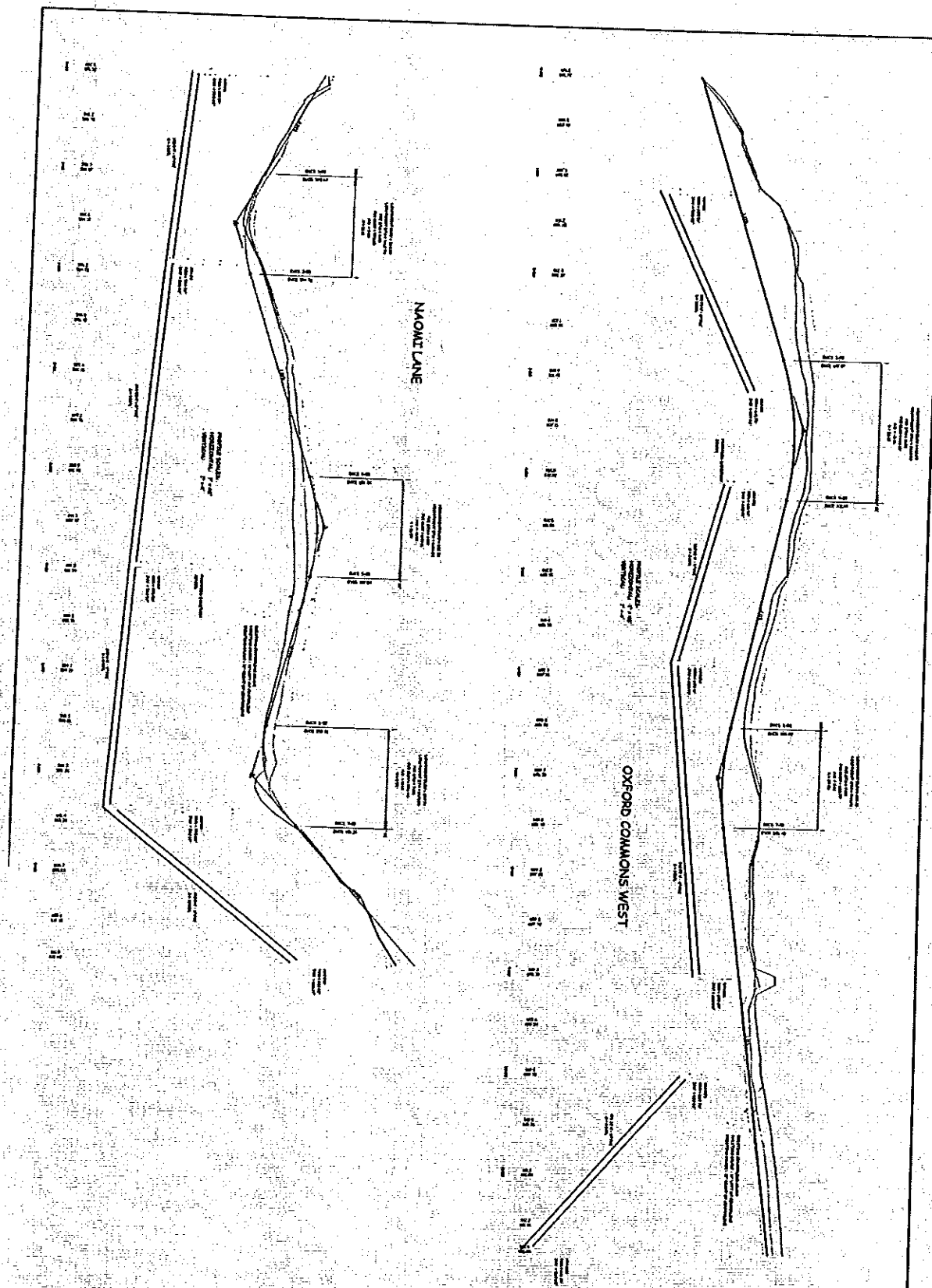


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 HURLEY ROAD
 OXFORD - CONNECTICUT

SITE DEVELOPMENT PLAN
 SHEET 6 OF 16
 PROJECT #086-2004
 SCALE: 1" = 40'
 DATE: February 7, 2014



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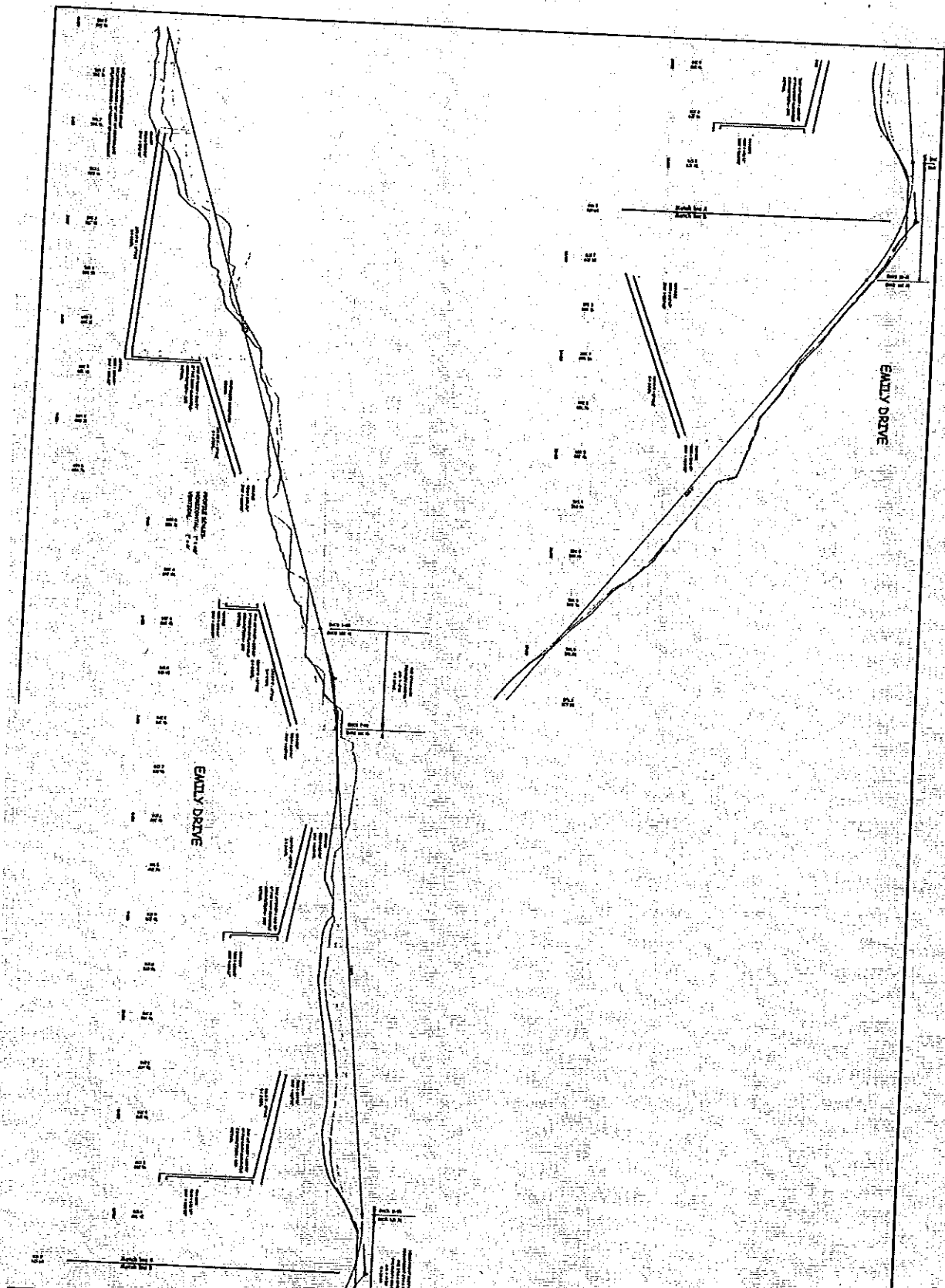


OXFORD COMMONS
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 GARDEN HOMES MANAGEMENT
 HURLEY ROAD
 OXFORD - CONNECTICUT

ROAD PROFILES
 SHEET 7 OF 16
 PROJECT #086-2004
 SCALE: 1" = 40'
 DATE: February 7, 2014



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 203-264-4558 (phone & fax)
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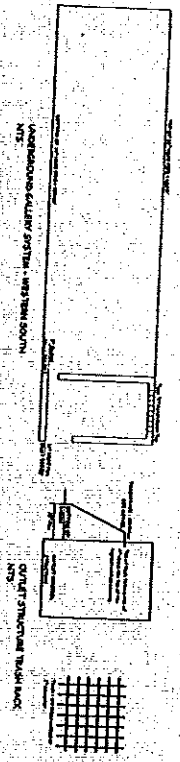
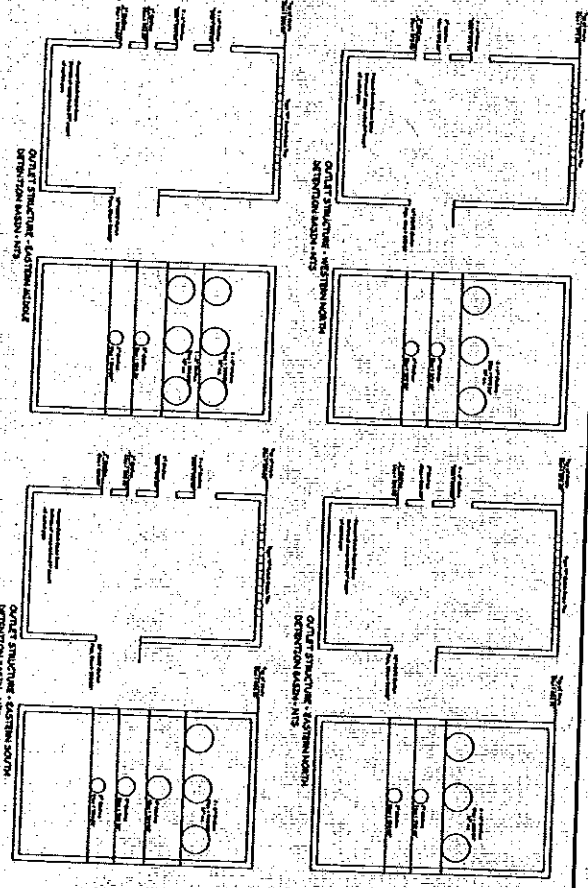
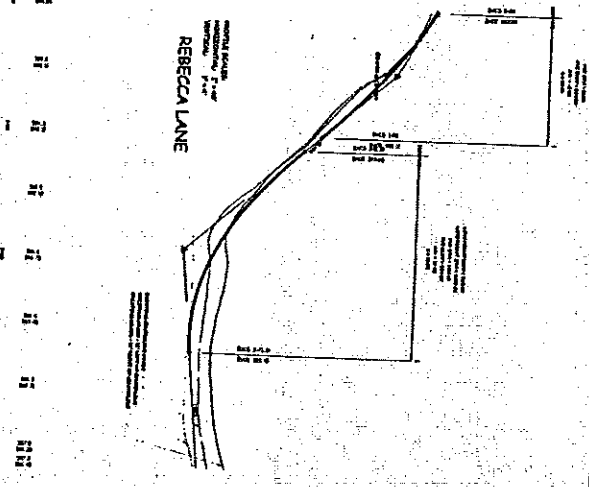
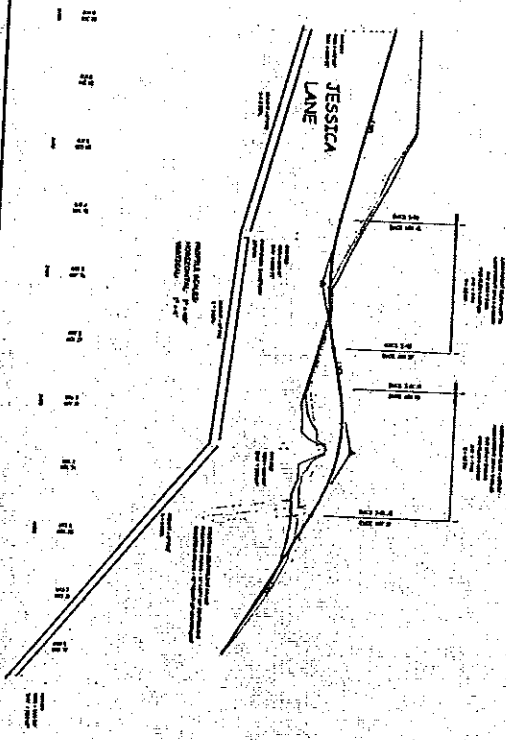


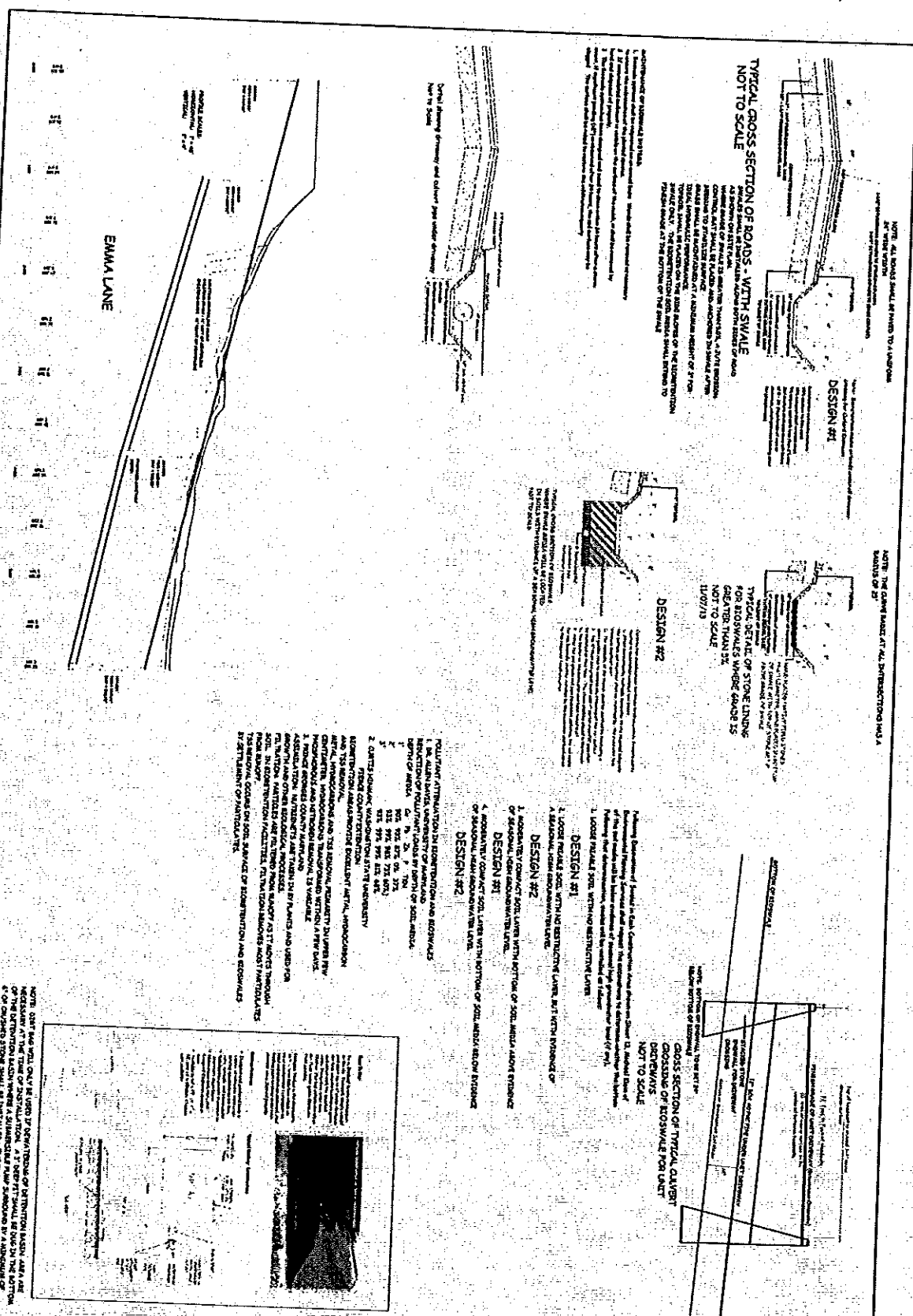
XFORD COMMONS
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 ARDEN HOMES MANAGEMENT
 JRLEY ROAD
 XFORD - CONNECTICUT

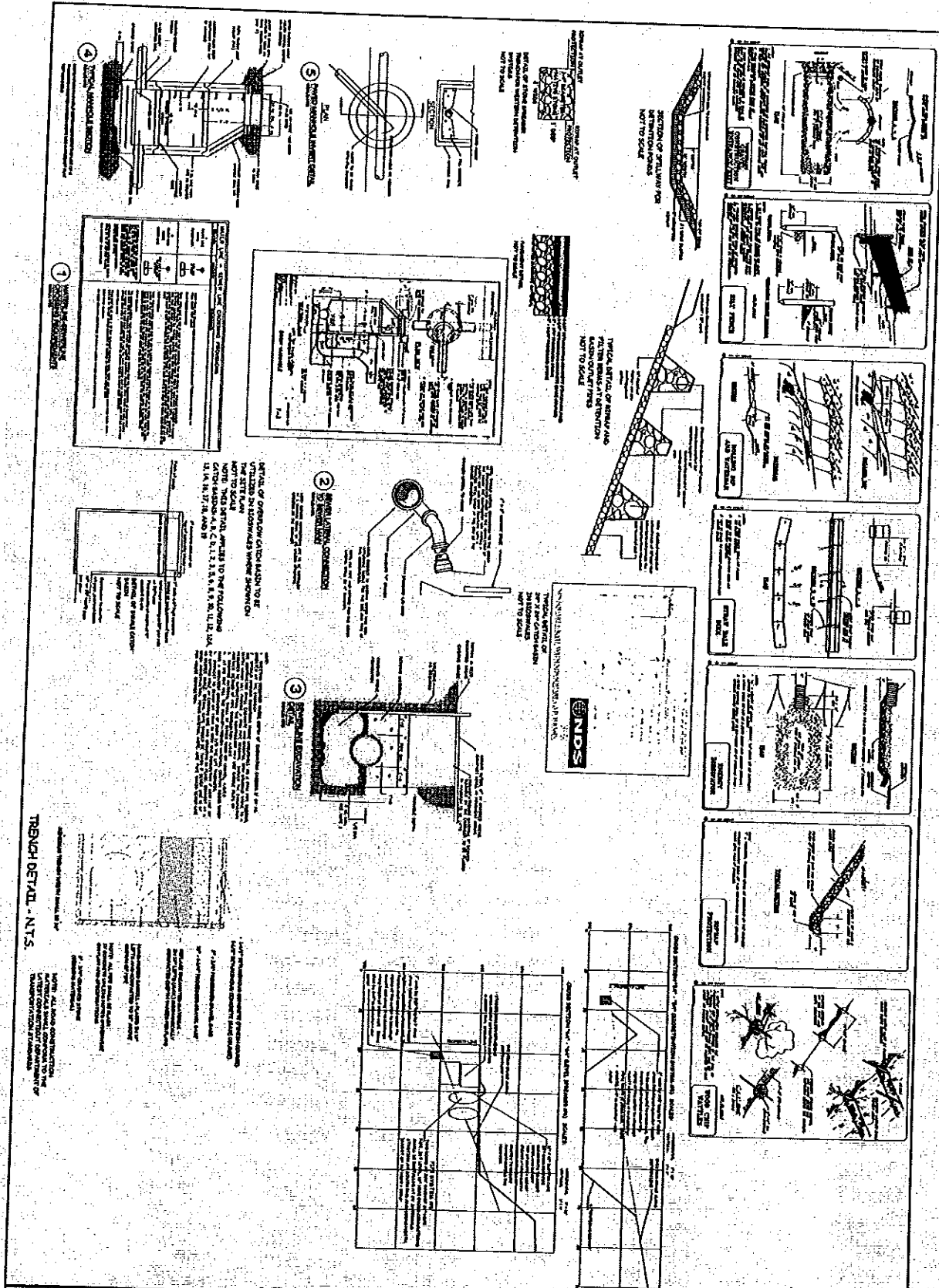
ROAD PROFILES
 SHEET 8 OF 16
 PROJECT #086-2004
 SCALE: 1" = 40'
 DATE: February 7, 2014



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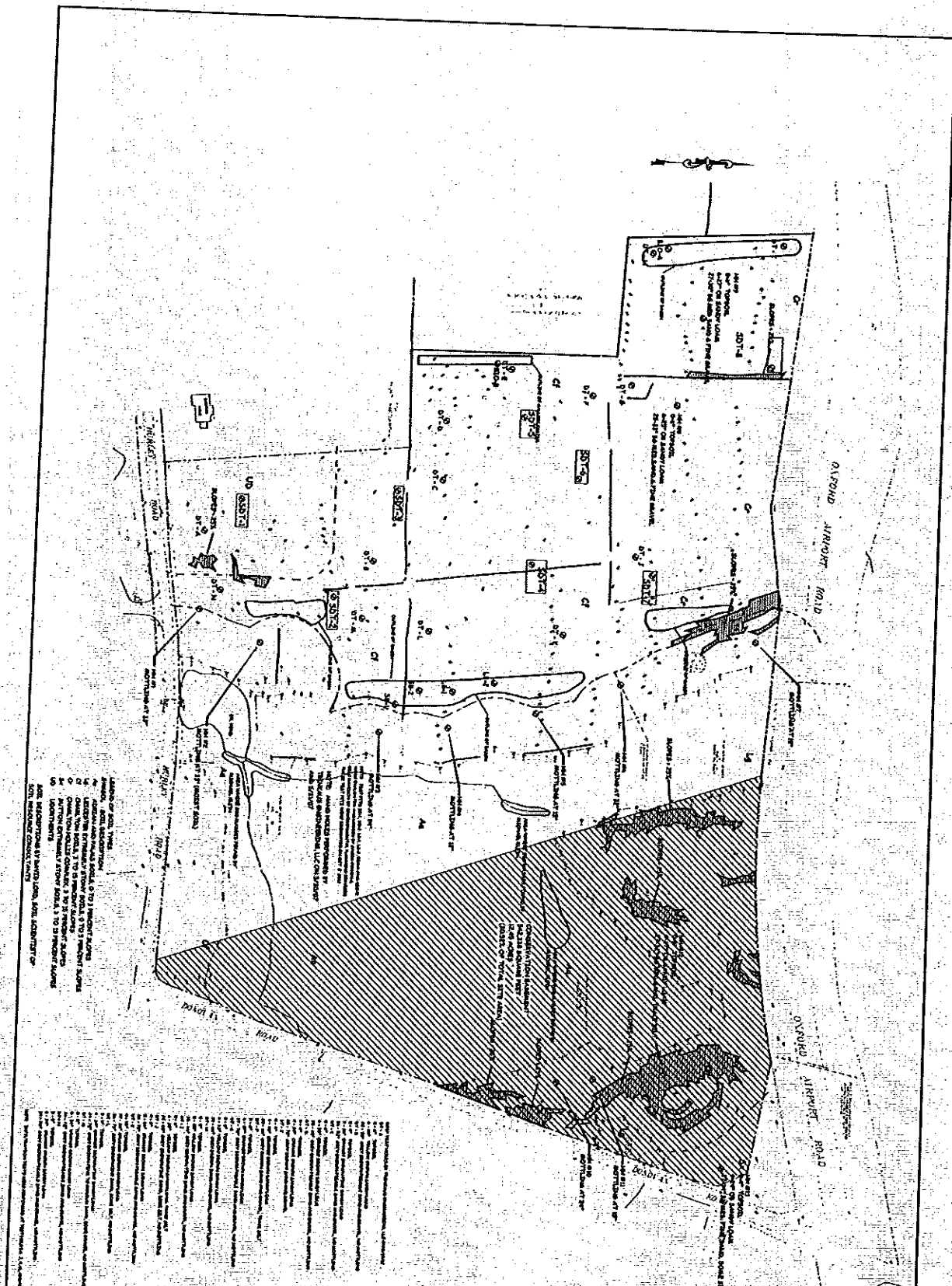


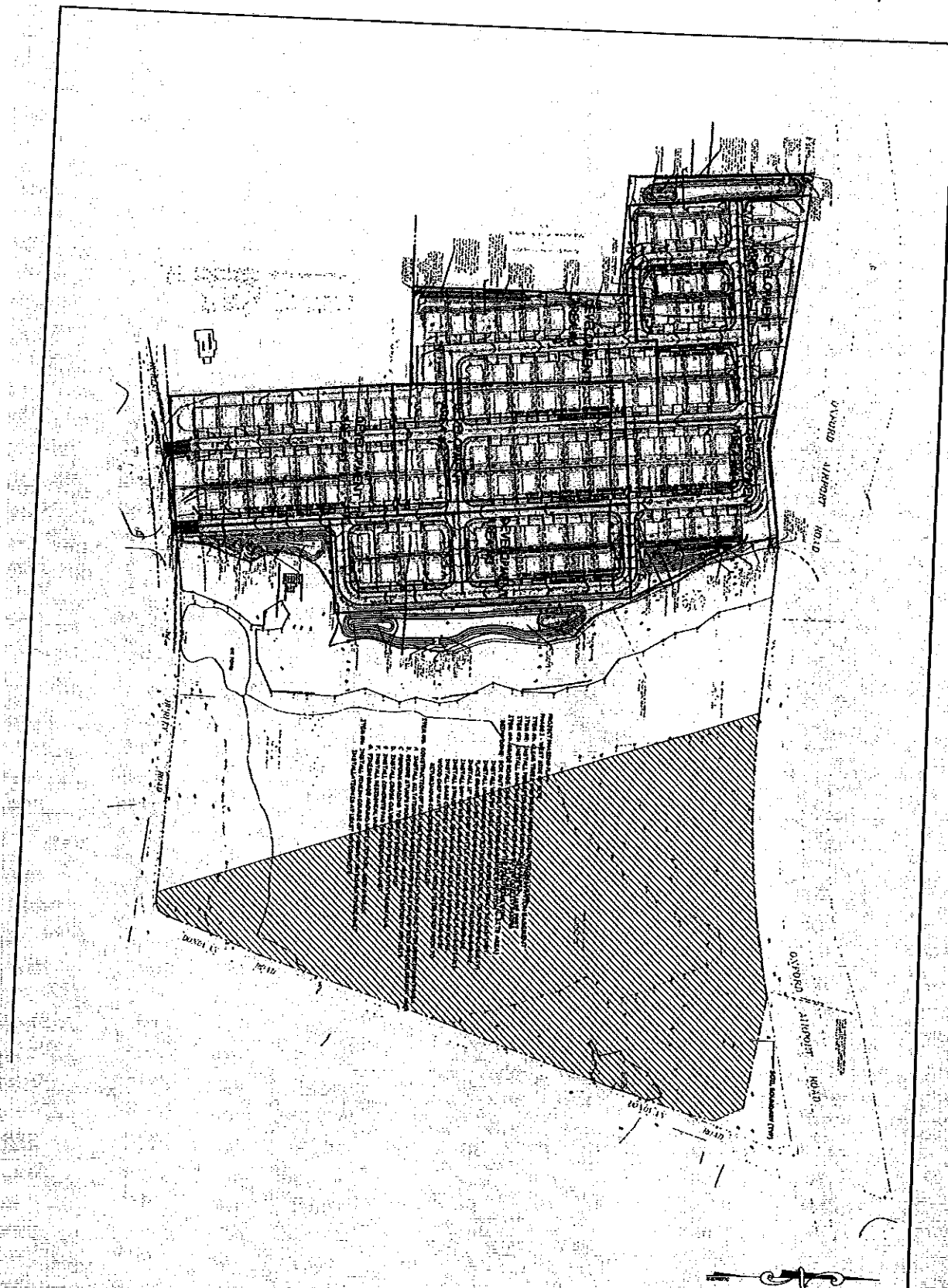
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GARDEN HOMES MANAGEMENT
HURLEY ROAD
OXFORD - CONNECTICUT

CONSTRUCTION DETAILS
SHEET 11 OF 16
PROJECT #086-2004
SCALE AS NOTED
DATE: February 7, 2014



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OXFORD COMMONS
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 HURLEY ROAD
 OXFORD - CONNECTICUT

EROSION & PHASING PLAN
 SHEET 13 OF 16
 PROJECT #086-2004
 SCALE: 1" = 80'
 DATE: February 7, 2014



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EROSION AND SEDIMENTATION CONTROL PLAN

1.0 PURPOSE AND SCOPE

The purpose of this plan is to describe the erosion and sedimentation control measures to be implemented during the construction of the proposed development. This plan is intended to be used in conjunction with the other documents submitted with the application for a building permit.

2.0 SITE INFORMATION

2.1 PROJECT LOCATION: The proposed development is located on the south side of the town of Oxford, Connecticut, bounded by the town of Meriden to the north, the town of Southington to the east, and the town of Middletown to the south.

2.2 PROJECT DESCRIPTION: The proposed development consists of a 100,000 square foot commercial building, a 50,000 square foot parking lot, and a 10,000 square foot parking lot. The total area of the development is 160,000 square feet.

2.3 EXISTING CONDITIONS: The site is currently undeveloped and is covered with grass and brush. There are no existing structures or utilities on the site.

2.4 PROPOSED CONDITIONS: The proposed development will consist of a 100,000 square foot commercial building, a 50,000 square foot parking lot, and a 10,000 square foot parking lot. The total area of the development is 160,000 square feet.

3.0 EROSION AND SEDIMENTATION CONTROL MEASURES

3.1 GENERAL PRINCIPLES: The erosion and sedimentation control measures shall be designed to prevent erosion and sedimentation from the site during construction. The measures shall be designed to protect the surrounding environment and the public health and safety.

3.2 BEST MANAGEMENT PRACTICES (BMPs): The erosion and sedimentation control measures shall be designed to meet the requirements of the Connecticut Department of Environmental Protection (CTDEP) and the National Pollution Discharge Elimination Act (NPDES).

3.3 EROSION CONTROL MEASURES: The erosion control measures shall include the following:

- 1. Erosion control blankets shall be installed on all exposed soil surfaces.
- 2. Erosion control blankets shall be installed on all exposed soil surfaces.
- 3. Erosion control blankets shall be installed on all exposed soil surfaces.
- 4. Erosion control blankets shall be installed on all exposed soil surfaces.
- 5. Erosion control blankets shall be installed on all exposed soil surfaces.
- 6. Erosion control blankets shall be installed on all exposed soil surfaces.
- 7. Erosion control blankets shall be installed on all exposed soil surfaces.
- 8. Erosion control blankets shall be installed on all exposed soil surfaces.
- 9. Erosion control blankets shall be installed on all exposed soil surfaces.
- 10. Erosion control blankets shall be installed on all exposed soil surfaces.

3.4 SEDIMENTATION CONTROL MEASURES: The sedimentation control measures shall include the following:

- 1. Sedimentation basins shall be installed on all exposed soil surfaces.
- 2. Sedimentation basins shall be installed on all exposed soil surfaces.
- 3. Sedimentation basins shall be installed on all exposed soil surfaces.
- 4. Sedimentation basins shall be installed on all exposed soil surfaces.
- 5. Sedimentation basins shall be installed on all exposed soil surfaces.
- 6. Sedimentation basins shall be installed on all exposed soil surfaces.
- 7. Sedimentation basins shall be installed on all exposed soil surfaces.
- 8. Sedimentation basins shall be installed on all exposed soil surfaces.
- 9. Sedimentation basins shall be installed on all exposed soil surfaces.
- 10. Sedimentation basins shall be installed on all exposed soil surfaces.

4.0 IMPLEMENTATION AND MAINTENANCE

4.1 IMPLEMENTATION: The erosion and sedimentation control measures shall be implemented during the construction of the proposed development. The measures shall be implemented in accordance with the requirements of the CTDEP and the NPDES.

4.2 MAINTENANCE: The erosion and sedimentation control measures shall be maintained during the construction of the proposed development. The measures shall be maintained in accordance with the requirements of the CTDEP and the NPDES.

5.0 MONITORING AND REPORTING

5.1 MONITORING: The erosion and sedimentation control measures shall be monitored during the construction of the proposed development. The measures shall be monitored in accordance with the requirements of the CTDEP and the NPDES.

5.2 REPORTING: The erosion and sedimentation control measures shall be reported during the construction of the proposed development. The measures shall be reported in accordance with the requirements of the CTDEP and the NPDES.

6.0 CONCLUSION

The erosion and sedimentation control measures described in this plan are designed to prevent erosion and sedimentation from the site during construction. The measures are designed to protect the surrounding environment and the public health and safety.

7.0 REFERENCES

1. Connecticut Department of Environmental Protection (CTDEP) Erosion and Sedimentation Control Manual, 2000.

2. National Pollution Discharge Elimination Act (NPDES) Regulations, 40 CFR 122.26.

3. Connecticut Department of Environmental Protection (CTDEP) Erosion and Sedimentation Control Manual, 2000.

4. National Pollution Discharge Elimination Act (NPDES) Regulations, 40 CFR 122.26.

5. Connecticut Department of Environmental Protection (CTDEP) Erosion and Sedimentation Control Manual, 2000.

6. National Pollution Discharge Elimination Act (NPDES) Regulations, 40 CFR 122.26.

7. Connecticut Department of Environmental Protection (CTDEP) Erosion and Sedimentation Control Manual, 2000.

8. National Pollution Discharge Elimination Act (NPDES) Regulations, 40 CFR 122.26.

9. Connecticut Department of Environmental Protection (CTDEP) Erosion and Sedimentation Control Manual, 2000.

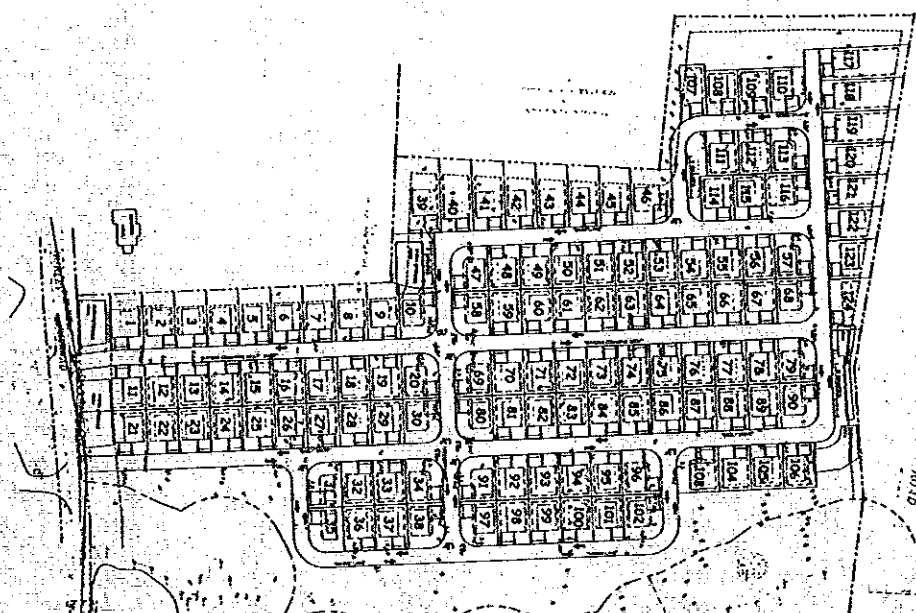
10. National Pollution Discharge Elimination Act (NPDES) Regulations, 40 CFR 122.26.

OXFORD COMMONS - 32.21 AC.
PREPARED FOR:
ARDEN HOMES MANAGEMENT
MURLEY ROAD
OXFORD - CONNECTICUT

EROSION NARRATIVE
SHEET 14 OF 16
PROJECT #086-2004
SCALES AS NOTED
DATE: February 7, 2014



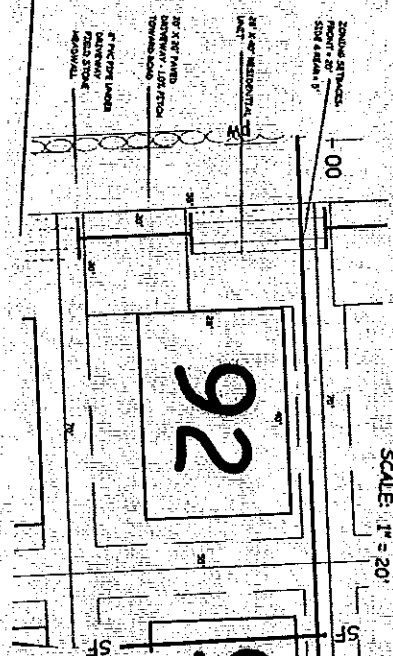
TRINKAUS ENGINEERING, LLC
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TRAFFIC SIGN DETAILS
NOT TO SCALE

LEGEND OF TRAFFIC SIGN SYMBOLS:
 C.A.P. - CHILDREN AT PLAY SIGN
 S.L. - SPEED LIMIT SIGN
 N.P.H.C. - NO PARKING HERE TO CORNER
 N.P.T.S. - NO PARKING THIS SIDE OF STREET
 S.S. - STOP SIGN
 N.P.A. - NO PARKING ANYTIME
 N.P.H.C. - NO PARKING FROM HERE TO CORNER
 N.S.P.A. - NO STREET PARKING ANYTIME
 S.B.P. - PLANTED STOP BAR ON PAVEMENT

NOTE: SIGNS SHALL BE MOUNTED ON SQUARE METAL POST (1.5" X 1.5") AND SHALL BE ORIENTED INTO THE ROADWAY. A MINIMUM OF 36" OR 48" SET IN CONCRETE AT THE BOTTOM EDGE OF SIGN MOUNTING. THE POST SHALL BE SET A MINIMUM OF 5' (60") ABOVE THE FINISH GRADE AT THE SIGN POST.



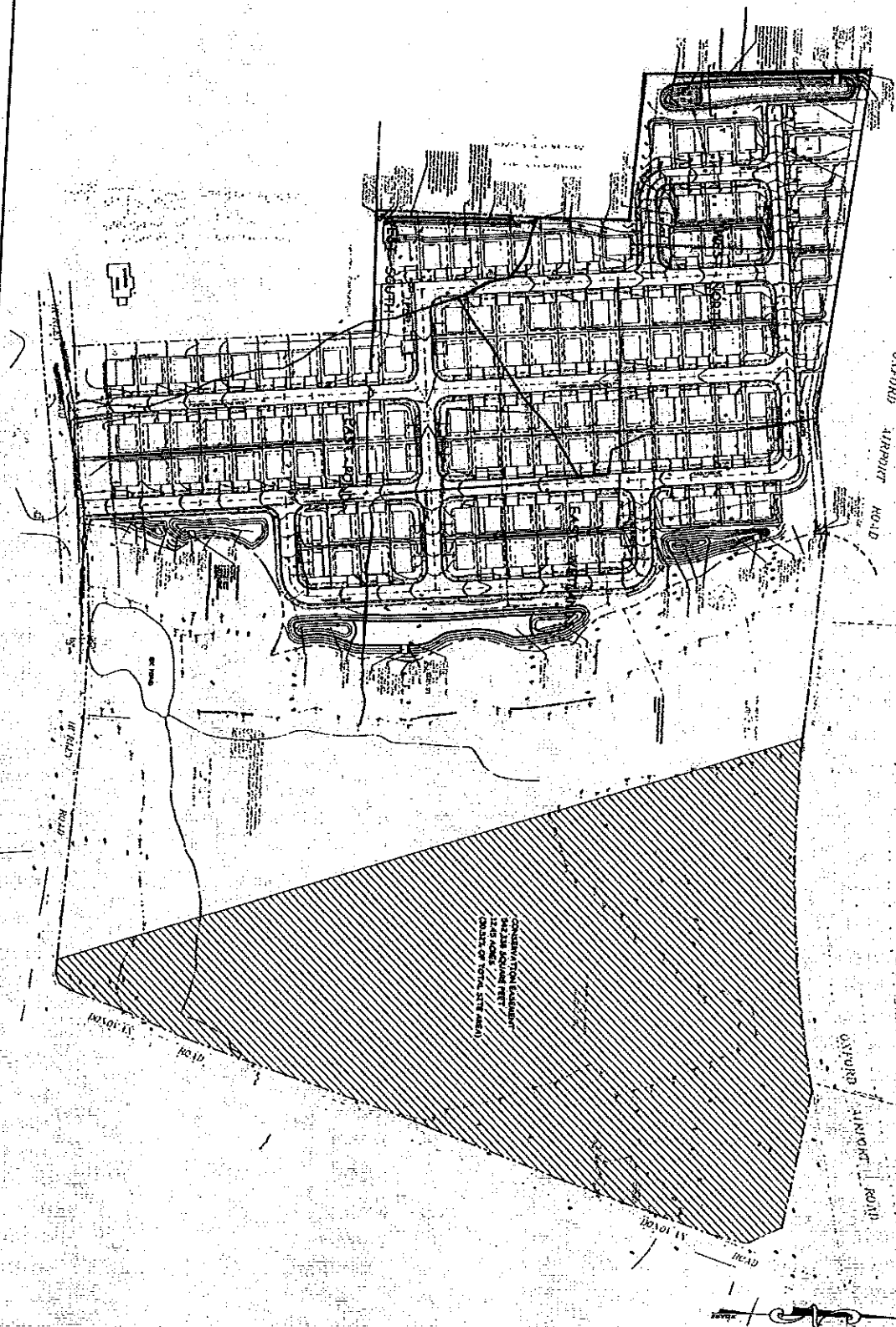
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 HURLEY ROAD
 OXFORD - CONNECTICUT

SNOW MANAGEMENT
 TRAFFIC SIGNAGE PLAN
 SHEET 15 OF 16
 PROJECT #006-2004
 SCALE: 1" = 80'
 DATE: February 7, 2014



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PRE-DEVELOPMENT WATERSHED BOUNDARIES

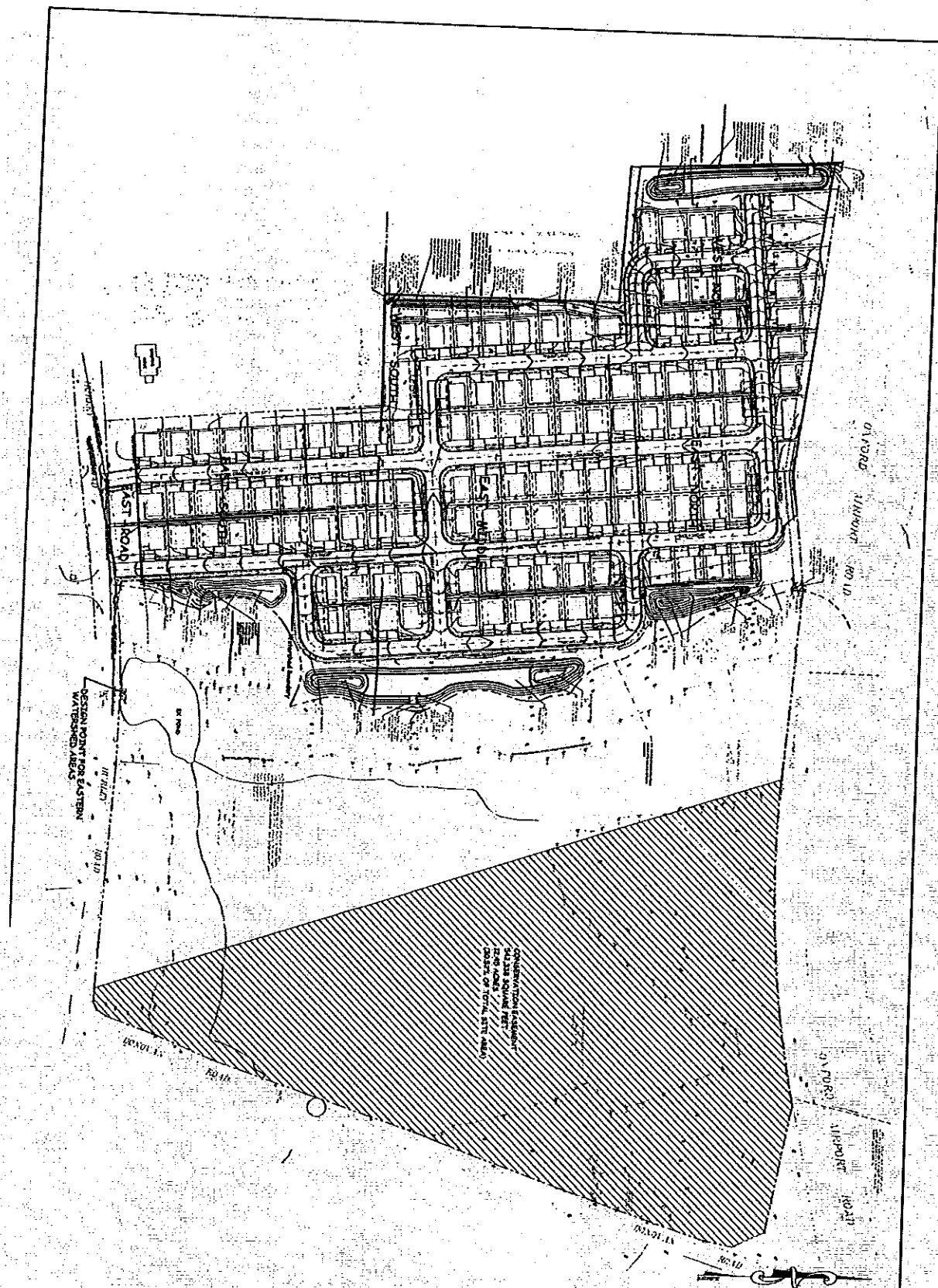


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URLEY ROAD
OXFORD - CONNECTICUT

PRE-DEVELOPMENT WATERSHED
SHEET 16 of 18
PROJECT #086-2004
SCALE: 1" = 70'
DATE: February 7, 2014



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POST-DEVELOPMENT WATERSHED
 SHEET 17 OF 18
 PROJECT #086-2004
 SCALE: 1" = 70'
 DATE: February 7, 2014



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received
2/28/14



**GARDEN HOMES
MANAGEMENT CORPORATION**

29 Knapp Street, P.O. Box 4401
Stamford, Connecticut 06907
(203) 348-2200 • Fax (203) 967-8372
www.gardenhomesmanagement.com

February 24, 2014

Ms. Anna Rycenga
Oxford Town Hall
486 Oxford Road
Oxford, CT 06478

Re: Garden Homes Management, Affordable Housing Application

Dear Ms. Rycenga:

By way of this letter, regarding the referenced application Third Garden Park LP authorizes Garden Homes Management Corporation to apply on its behalf and Branse, Willis and Knapp to sign the requisite application on its behalf as well.

Thank you.

Very truly yours,

Richard K. Freedman, President
Garden Homes Management Corp., General Partner
Third Garden Park LP

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BRANSE, WILLIS & KNAPP, LLC

148 EASTERN BOULEVARD SUITE 301
GLASTONBURY, CONNECTICUT 06033
TELEPHONE: (860) 659-3735
FAX: (860) 659-9368

MARK K. BRANSE
MATTHEW J. WILLIS*
ERIC KNAPP
CALEB F. HAMEL
*ADMITTED IN MASSACHUSETTS

OF COUNSEL:
RONALD F. OCHSNER

E-Mails:
mbranse@bransewillis.com
mwillis@bransewillis.com
eknapp@bransewillis.com
chamel@bransewillis.com

roschner@bransewillis.com

Hand Delivered

February 27, 2014

Ms. Anna Silva Rycenga, ZEO
Town of Oxford
486 Oxford Road
Oxford, CT 06478

RE: Garden Homes Management Corporation - Affordable Housing Application
Pursuant to Conn. Gen. Stat. § 8-30g

Dear Ms. Rycenga,

I represent Third Garden Park, LP ("Third Garden"), the owner of a 40.79-acre parcel of property ("the Property") on Hurley Road in the Town of Oxford. I also represent Garden Homes Management Corp. ("Garden Homes"), the developer of a proposed residential development on the Property. Pursuant to the Town of Oxford Zoning Regulations Section 6A and Connecticut General Statutes §8-30g please find attached my client's application for site plan approval of the proposed development by the Town of Oxford Planning and Zoning Commission ("the Commission").

STATEMENT OF USE

The proposed development is a manufactured housing community containing 124 manufactured home spaces and associated infrastructure. Manufactured homes will be leased or sold to residents, who will lease the homes or the land on which those homes are to be located from Garden Homes. The community is located within the Mixed Income Housing District ("MIHD"). The zoning regulations governing this development are contained within Article 6A of the Town of Oxford Zoning Regulations. Judge Pickard, of the Connecticut Superior Court, ordered the Town of Oxford to implement that section of the zoning regulations in 2009 in the case *Garden Homes Management Corp. et al. v. Planning & Zoning Comm'n of the Town of Oxford*, Docket No. HHB-CV-07-4015729-S. A copy of the applicable regulations, along with Judge Pickard's decision ordering their adoption, is attached.

Stormwater management for the development is provided by a series of swales parallel to the interior roads, similar to the drainage swales seen along state highways. These swales, designed using the latest research in Low Impact Development, allow stormwater to infiltrate into the ground beneath the site, mimicking the predevelopment hydrology of the property. Stormwater in amounts exceeding the infiltration capacity of the swales will flow through the swales to catch basins, and from there to dry detention basins (and, in one location, a solid pipe) on the perimeter of the development. Discharge from the detention basins and pipe will flow through fieldstone berms at non-erosive velocities, and there will be no increase in peak flow compared to the existing hydrology of the site even if no infiltration occurs within the swales. Areas of the swales that exceed recommended grades will be "armored" with a layer of fieldstone, ensuring that the swales will not be eroded by water flowing within them. This drainage system has been heavily over-engineered to ensure that it will be able to properly manage runoff from the site.

The road network for the development consists of a series of interconnected roads, ensuring that manufactured home spaces can be accessed from multiple directions in case of emergency. In light of the residential character of this neighborhood and the potential for significant numbers of children living within it, the posted speed limit on all interior roads will be 15 miles per hour, ensuring that traffic will not be travelling at dangerous speeds. Numerous caution signs will be installed, reiterating the fact that drivers should be careful to watch for children at play. On-street parking will be permitted only on one side of each street, with no parking permitted along the street on either side of Oxford Commons West or Emily Drive for the first block in from Hurley Road; additional off-street parking has been provided throughout the site to compensate. These parking limitations ensure that emergency vehicles will have sufficient space to enter, exit, and maneuver within the site. Driveways for corner lots have been located so as to provide maximum visibility from the intersection, ensuring that a turning vehicle will not collide with a car backing out of a driveway.

Water service will be provided by Heritage Water through an existing water main on Oxford Airport Road. Sewer service will be provided by existing public sewers. Although the Oxford WPCA denied a connection permit for this development in 2012, the sole stated reason for denial was that the sewer connection agreement between the Town of Oxford and the Town of Naugatuck did not permit the connection of residential users to the sewer line. This denial is presumably based on a misunderstanding by the WPCA of the agreement between Oxford and Naugatuck; while such a prohibition was included in previous agreements between Oxford and Naugatuck, the prohibition was removed in 2003, and a copy of such agreement is attached along with a letter from Naugatuck stating that they have sufficient capacity to receive solid waste from this

development. Concurrent with this application, we have reapplied for WPCA approval to connect to the sewers. Because the sole stated reason for denial was based on a misunderstanding, we reasonably expect the WPCA to approve such connection, and will accept requiring such connection approval as a condition of zoning approval.

PAST HISTORY

In addition to past and ongoing litigation, this development has been the subject of a number of wetlands, zoning, and WPCA approval processes over the past several years. Over the course of those proceedings, a number of determinations have been made concerning the development as currently proposed or sufficiently similar to the current proposal that the determinations are still applicable. For the sake of brevity and clarity in the coming review process, I would like to reiterate those determinations.

Judge Pickard's 2009 Ruling

In 2009, when reviewing the Oxford Commission's denial of a previous version of this development with a similar number of units to that currently proposed, Judge Pickard made several factual and legal determinations that are relevant and applicable to the development at hand:

- The proposed combination of sale of dwellings and rental of the land on which those dwellings are located does not disqualify the development as a set-aside development under Conn. Gen. Stat. § 8-30g;
- The Town of Oxford has a "substantial need" for affordable housing; Judge Pickard found in 2009 that only 1.1% of dwelling units in Oxford qualified as affordable. Since then, the number of dwellings in Oxford has increased but the number of affordable units has, in fact, dropped. Consequently, the percentage of affordable units has also dropped - the 2012 Affordable Housing Appeals List promulgated by the State of Connecticut, the most recent such list, shows that only 0.95% of dwelling units in Oxford qualify as affordable. As it did in 2006, Oxford still ranks near the bottom of the list;
- The development will not result in an unsafe increase in traffic on Hurley Road that clearly outweighs the need for affordable housing in Oxford; the surrounding properties are zoned for industrial or commercial business uses, which would lead to heavy truck and commuter traffic on Hurley Road, far outweighing the amount of car traffic generated by this residential development;
- Planes landing at or taking off from the airport do not fly over the subject property; a noise study commissioned by the Connecticut Department of Transportation shows the property to lie outside the area receiving dangerous levels of noise; the Commission has approved other residential developments

that receive at least as much airport noise; and the surrounding Corporate Business Park District allows child day care facilities and schools within its borders; this evidence shows that potential noise from the airport does not "rise to the level of a substantial interest in health or safety" sufficient to support denial of a zoning permit for this property.

2013 Wetlands Proceeding

The Oxford Conservation Commission and Inland Wetlands and Watercourses Agency ("the Agency") recently approved a wetlands permit for this development. In the course of those proceedings, Nafis & Young, Inc., the Oxford Land Use Engineer, and Tom Pietras, Oxford's consulting soil scientist, made several determinations, mostly concerning the ability of the stormwater management system to convey and treat stormwater:

- All questions concerning the ability of the stormwater management system to convey the 10-year storm have been resolved, per the November 25, 2013 memo from Nafis & Young (attached); this meets Connecticut state guidelines for stormwater conveyance;
 - It should be noted that, while many reports from Nafis & Young in the wetlands proceeding call for a "hydrogeologic" study (*s/c*), Attorney Olson's November 13, 2013 letter (attached) states that Allan Young, P.E., of Nafis & Young agreed that such statements refer to the adequacy of the stormwater management system to convey the 10-year storm.
- All questions concerning the ability of the stormwater management system to treat the first flush of stormwater have been resolved, per the November 25, 2013 memo from Nafis & Young; this meets Connecticut state guidelines for stormwater quality treatment;
- All questions concerning detention basin analysis have been resolved, per the November 25, 2013 memo from Nafis & Young;
- The wetlands on the site are supported by the regional, not local, water table, per evidence presented by Mr. Pietras in his email dated October 3, 2013 (attached);

It should be noted that the Agency's approval of that wetlands permit is the subject of ongoing litigation because many of the findings and recommendations made by the Agency in that approval were arbitrary, capricious, and unsupported by substantial evidence. Because the findings and recommendations of the Agency are at best questionable, we hereby **object** to the consideration of those findings and recommendations by the Commission, and expect that the Commission will make its final decision based only on the undisputed portions of the Agency's approval. A copy of the appeal of that decision outlining the disputed portions of the appeal is attached.

CURRENT COMPLIANCE

Our development application fully complies with the applicable regulations and requirements of Section 6A of the Oxford Zoning Regulations. The total impervious coverage of the site is 14.9%, less than the maximum 25% of the gross area of the site. The total building coverage is 7.8% of the site, less than the maximum 15% of the gross area of the site. The depicted manufactured home spaces comply with all required setback provisions of Article 6A. There are 124 spaces proposed on a gross acreage of 40.79%, resulting in a density of approximately 3.03 units per gross acre, less than the maximum 3.5 units per gross acre. A conservation easement is proposed to be imposed on the eastern portion of the property, encompassing over 30% of the gross acreage of the site.

As required in Article 6A, each manufactured home space is at least 2,000 square feet, with the typical space measuring 55'x70'. All proposed building locations are at least 20' from an interior roadway and 5' from an adjacent manufactured home space. No manufactured home will exceed 20' in height. As described above, Nafis & Young have determined that all questions concerning the ability of the stormwater management system to convey and treat the stormwater from the site have been resolved in accordance with State guidelines.

Driveways have been provided for each manufactured home space with sufficient room to allow for two vehicles to park on a 20'x20' parking area. Pursuant to previous requests of the Commission, additional guest parking has been provided throughout the site. All utilities will be installed underground; water mains and sewer lines are already depicted on the plans; and other utility services such as electrical service will be installed pursuant to recommendations and requirements of the individual utility company providing such service in accordance with standard practice.

The provided site plans also address the concerns of Judge Pickard in his 2009 decision. A second, paved access to the development has been added to the plans, allowing for emergency access if the first access is blocked. Where in the original plans the sole access to Hurley Road was divided by traffic islands to separate entering and exiting traffic, a second, full-width road was added for entry and exit traffic, separated from the first access point by over 100 feet. Additional space for snow storage and removal has been provided. The previous hammerhead turnarounds have been removed and the road layout has been redesigned, eliminating the previous worry about maneuvering space for fire trucks. All intersections have a 25' turning radius to allow emergency vehicles to safely access all parts of the site.

CONFLICTS, PREDETERMINATION, AND BIAS

A number of issues of conflict of interest, predetermination, and/or bias have arisen in this application and previous proceedings. Commission members are no doubt aware of the local political group known as Keep Oxford Green, a group opposed to affordable housing in Oxford. It has come to our attention that a number of members of, or donors to, Keep Oxford Green sit on the Commission; more detail is included in the attached letter to Peter Olson, Esq., Land Use Counsel for the Town of Oxford dated January 29, 2014; Based on the information contained in that letter and their other public statements and activities (some discovered after my letter was written, see attached supplement letter dated February 20, 2014), we hereby **object** to the review of this application by Chair Tanya Carver, Secretary Jeff Luff, Commissioners Pat Cocchiarella and Harold Cosgrove, and Alternate Member David Stocker, and demand that they recuse themselves from this proceeding. We likewise object to the review of this application by Vice-Chair Wayne Watt, the Director of Public Works for Oxford, because he is disqualified from sitting on this Commission at all by Conn. Gen. Stat. § 7-421. Pursuant to Oxford town ordinances, vacancies on the Commission are filled by the remaining Commission members, and we await the Commission's determination of the replacement members. We reserve the right to investigate all replacement members and ensure that their review of this application will be conducted in a fair and impartial manner. If any member of the Commission, whether named above or a replacement, is encumbered with a conflict of interest or otherwise should be disqualified from reviewing this application, we will not consent to any extension of time in which to review this application and will allow the Connecticut judicial system to review the conduct of the Commission.

It should also be noted that, at the October 17 public hearing by the Agency, we presented evidence that Nafis & Young had subjected our proposed development to a standard of review that not only had no other development in the Town of Oxford been subjected to, but that also exceeded their own standards for quality in their own design work. See the attached letter dated October 17 and supporting materials. We have long believed, and still believe, that the review of the proposed development by Nafis & Young violates the fundamental principle of fairness and the Constitutional requirement of procedural due process. We therefore **renew our objection** to the review of this development by Nafis & Young, and demand their replacement as review engineer for this development. I understand that this is an unprecedented action, but feel it is the only way to ensure a fundamentally fair and impartial technical review process based on Connecticut engineering guidelines and professional standards.

The course of wetlands proceedings also involved substantial review fees, the charging of which exceeded the statutory power of land use commissions. We

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understand that land use commissions are allowed to require the deposit of reasonable review fees in advance of review, and take no issue with reimbursing the Town for the review of our submission for issues of public health, safety, or other matters recognized by the Connecticut courts, including Judge Pickard's decision. Enclosed, please find a check for the application fee required by your regulations. However, in light of the burden of proof placed on the Town of Oxford by Conn. Gen. Stat. § 8-30g, we will not reimburse expenses incurred for the generation of new material or information to be used to satisfy *the Commission's* burden of proof.. The Town of Oxford is certainly entitled to investigate our claim that our development raises no public health or safety issue that outweighs the need for affordable housing in Oxford. We are willing to allow the Town's consultants reasonable access to the site to conduct any additional testing they deem necessary, provided we receive ten (10) days written notice and our technical consultants are allowed to observe the testing. However, such testing, if done, shall be performed at the Town's expense. Reimbursement for unlimited, open-ended investigations to meet the Town's burden of proof is not a reasonable fee to be charged to an applicant, and requiring such violates the principles of fundamental fairness and Constitutional due process underlying all administrative reviews.

The requirement for Constitutional due process is not just about a successful zoning appeal with no costs except attorney's fees for the Town. Garden Homes has already retained a highly respected civil rights lawyer, Kathleen Eldergill, who is now investigating a civil rights action against the Town of Oxford and those individuals who are abusing their public positions to achieve illegal objectives. Make no mistake: a civil rights action carries the penalty of money damages against the losing defendants, and for willful violations of civil rights, the Town is not required to indemnify individual defendants; the willful abuse of government power is not a cost that should be carried by the taxpayers. Garden Homes has been abused enough in Oxford, and is prepared to go on the offensive if that is what is required—and so far, it appears that it is required.

CONCLUSION

Despite the serious issues raised by the lack of impartiality from the involvement of Keep Oxford Green and Nafis & Young, I do remain hopeful that the Town of Oxford is capable of reviewing this application in a fair and unbiased manner and that, after such a review, will consider this development to comply with the applicable regulations and exceed the expectations placed upon it. This development has been designed to take every reasonable precaution in ensuring that it will not unduly impact the local environment and provide a safe, secure, responsible, affordable neighborhood for its residents and their children.

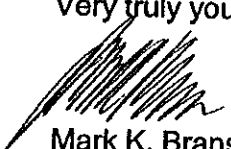
"Affordable Housing" should not be viewed as barbarians at the gates of a

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municipal country club. The income limits for Oxford for a family of four are \$51,780 for the 60% of median income family and \$69,040 for the 80% of median income family. In examining the budgets for the Town of Oxford and the Board of Education, these income levels equate to your town clerk, your fire marshal, your school nurse, your wetlands enforcement officer, your library director, your director of parks & recreation, your police officers, or your public works leadman. In fact, it's difficult to find an Oxford official that does *not* qualify for this housing; your *First Selectman* qualifies for this housing. The Zoning Enforcement Officer and Clerk who staff this very Commission earn incomes that qualify for such housing; in fact, the incomes of your full-time and your part-time ZEOs *combined* would qualify for this housing. There is no reason why the people who *work for Oxford* should be prevented from *living in Oxford*. See the affordability plan included with this application.

Oxford has a legal obligation to provide at least ten (10%) of its housing stock for the people who qualify for this housing—the people who check out your books at the library, who teach your children, who plow your streets, who protect you from crime—and yes, who administer and enforce your zoning and inland wetlands laws. Instead, Oxford is not even at 1% deed-restricted or otherwise assured long-term affordable housing and has *lost ground* even during the slow economy of the past several years. Affordable housing is coming to Oxford. Other developers are already looking for land in Oxford where affordable housing can be located. This Commission must ask: Where is the most desirable location where it can make progress toward its 10% requirement? I would suggest to you that Hurley Road, buffered from established neighborhoods by the surrounding business development, is the most ideal location that you will find. You could certainly do much worse.

Very truly yours,



Mark K. Branse, Esq.

Enclosures

cc Richard Freedman, Garden Homes Management Corp.
Kathleen Eldergill, Esq.

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**AFFORDABILITY PLAN FOR
OXFORD COMMONS
OXFORD, CONNECTICUT**

JANUARY 2014

**Submitted by
Garden Homes Management Corporation**

**to the
Oxford Planning and Zoning Commission**

DEFINITIONS:

"Community" – means the Oxford Commons development, a 124-unit development on a 40.79 acre site.

"Mixed Income Housing District Home" or "MIHD Home" – means a home within the Community that is subject to long-term price or rent restrictions as set forth in this plan and within the Community that will be constructed to the minimum specifications set forth in Schedule C of this Plan. MIHD Homes may be sold or rented.

"Mixed Income Housing District Home Site" or "MIHD Home Site" – means the location within the Community to which an MIHD Home is permanently affixed.

"Market Rate Home" – means a home within the Community that is not subject to long-term price or rent restrictions. Market Rate Homes may be sold or rented.

"Developer" – means Garden Homes Management Corporation or its successors and assigns.

I. Homes Designated for Affordable Housing.

Thirty percent (30%), or thirty-eight (38), of the homes of the Community will be designated as affordable housing, as defined by Conn. Gen. Stat. § 8-30g. The specific home sites designated as affordable housing (defined above as MIHD Home Sites) are identified in Schedule B of this Plan.

II. Forty (40) Year Period.

The MIHD Homes shall be designated as affordable for forty (40) years. This affordability period shall be calculated separately for each MIHD Home, and the period shall begin on the date of conveyance or initial lease of such MIHD Home from the Developer or its successors or assigns to an eligible purchaser or renter, as hereinafter defined.

III. Pro-Rata Construction.

The MIHD Homes shall be offered on a *pro rata* basis as construction proceeds. The Developer will offer for sale or for rent three (3) MIHD Homes within the time that ten (10) total units are sold or rented. All MIHD Homes shall be located on an MIHD Home Site. Rent paid for an MIHD Home Site for an MIHD Home that is sold shall be included in the calculation for maximum monthly payments, and shall not exceed the maximum monthly rental for a mobile manufactured home space promulgated by the U.S. Department of Housing and Urban Development.¹ Rent paid for an MIHD Home Site for an MIHD Home that is sold shall

¹ The Department of Housing and Urban Development has established a fair market rent for manufactured home spaces as 40 percent of the two bedroom existing fair market rent. 68 F.R. 31872 (May 28, 2003). Fair market rents are updated annually.

be established to ensure that the total amount paid equals the amount permitted by this section and the General Statutes.

IV. Nature of Construction of MIHD Homes and Market Rate Homes.

Within the Community, the Developer shall offer a Market Rate Home, for sale or rent, which shall be built in compliance with the minimum specifications set forth in **Schedule C** of this Plan. The actual model, size and floor plan of the Market Rate Homes and the MIHD Homes shall be selected so that the MIHD Homes shall be comparable in size, quality, and appearance to the Market Rate Homes.

V. Entity Responsible for Administration and Compliance.

This Plan will be administered by Garden Homes Management Corporation, or its designees, successors and assigns ("Administrator"). The Administrator shall submit a status report to the Town on compliance with this Plan annually on or about January 31. Notwithstanding any of the above, the Developer will be responsible for all advertising and marketing requirements for initial sales and rentals under this Plan.

VI. Notice of Initial Sale or Lease of MIHD Homes.

Except as provided in Section X hereof, the Developer shall provide notice of the availability of each MIHD Home for sale or for lease (the "Notice of Initial Sale or Lease"). Such notices shall be provided in accordance with the Affirmative Fair Housing Marketing Plan as outlined in Section VIII. The Administrator shall also provide such notice to the Commission. Such notice shall include a description of the available MIHD Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price or Maximum Rent (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 et seq. and the Connecticut Fair Housing Act, Conn. Gen. Stat. §§ 46a-64b, 64c (together, the "Fair Housing Acts").

VII. Purchaser and Renter Eligibility.

Not less than fifteen percent (15%), or nineteen (19), of the MIHD Homes shall be sold or rented to persons or families whose income is less than or equal to sixty percent (60%) of the area or statewide median income, whichever is less. The remainder of the MIHD Homes shall be sold or rented to persons or families whose income is less than or equal to eighty percent (80%) of the area or statewide median income, whichever is less. The area and statewide median income shall be as determined by the U.S. Department of Housing and Urban Development ("HUD"). Those persons purchasing MIHD Homes shall be permitted to make down payments not to exceed twenty percent (20%) of the purchase price.

VIII. Affirmative Fair Housing Marketing Plan.

The sale or rental of both MIHD Homes and Market Rate Homes in the Community shall be publicized, using State regulations for affirmative fair housing marketing programs as guidelines. The purpose of such efforts shall be to apprise residents of municipalities of relatively high concentrations of minority populations of the availability of such units. The Developer shall have responsibility for compliance with this section. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The Administrator shall also provide such notices to the Oxford Planning and Zoning Commission and the local housing authority. Such notices shall include a description of the available MIHD Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price or Maximum Rent (as hereinafter defined), and the availability of application forms and additional information.

Using the above-referenced State regulations as guidelines, dissemination of information about available affordable and market-rate units shall include:

- A. Analyzing census, Connecticut Department of Economic and Community Development town profiles, and other data to identify racial and ethnic groups least likely to apply based on representation in Oxford's population, including Asian Pacific, Black, Hispanic, and Native American populations.
- B. Announcements/advertisements in publications and other media that will reach minority populations, including newspapers, such as any radio stations serving Oxford's Metropolitan Statistical Area and Regional Planning Area, and advertisements or flyers likely to be viewed on public transportation or public highway areas.
- C. Announcements to social service agencies and other community contacts serving low-income minority families (such as churches, civil rights organizations, the housing authority, and other housing authorities in towns represented in Oxford's Metropolitan Statistical Area and Regional Planning Agency, legal services organizations, etc.).
- D. Assistance to minority applicants in processing applications.
- E. Marketing efforts in geographic area of high minority concentrations within the housing market area and metropolitan statistical area.
- F. Beginning affirmative marketing efforts prior to general marketing of units, and repeating again during initial marketing and at 50 percent completion.

All notices shall comply with the Fair Housing Acts.

IX. Application Process.

A family or household seeking to purchase or rent one of the MIHD Homes ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with the Fair Housing Act.

A. Application Form.

The application form shall be provided by the Administrator and shall include an income pre-certification eligibility form and an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur. The Applicant's income need not be re-verified after the time of initial purchase. In determining what is and is not to be included in the definition of family annual income, the Administrator shall use the criteria set forth by HUD and listed on Schedule D of this Plan.

B. Applicant Interview.

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of family income and family assets have been listed in the application. The term "family" shall be as defined by the Zoning Regulations of the Town of Oxford.
4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a certified decision as to eligibility cannot be made until all items on the application have been verified.
6. Review with the Applicant the process and restrictions regarding re-sale if the home is being sold.

C. Verification of Applicant's Income.

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall issue a pre-certification letter. The letter shall indicate to the Applicant and the Developer that the Applicant is income eligible, subject to the verification of the information provided in the Application. The letter will notify the Applicant that he/she will have thirty (30) days to submit all required documentation.

If applicable, the Applicant shall provide the documentation listed on Schedule E of this Plan, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation, as the Administrator deems necessary.

X. Prioritization of Applicants for Initial Occupancy.

If, after publication of the Notice of Initial Sale or Lease as described in Section VI hereof, the number of qualified Applicants exceeds the number of MIHD Homes, then the Administrator shall establish a list of Applicants, selected by a random lottery of all eligible Applicants, for the initial sale or rental of MIHD Homes. The initial sale or rental of MIHD Homes will be offered according to the Applicant's lottery ranking. Following the initial sale or rental of the MIHD Homes, if the number of qualified Applicants exceeds the number of available MIHD Homes, the Administrator shall establish a priority list of applicants based on a "first come, first served" basis, subject to the applicant's income pre-certification eligibility and the preferences as established in this Section X. The MIHD Homes will then be offered according to the applicant's numerical listing. In the event the Community is built in phases, the same procedure shall be held for each phase.

Those who meet the criteria of "least likely to apply" as defined in Conn. Agencies Regs. § 8-37ee, all of whom meet the income eligibility criteria as set forth in Section VII hereof, shall be given first preference in the purchase or rental of MIHD Homes offered for sale or rental in the Community ("Preferred Units"). This preference category is subject to revision as may be required by the federal Office of Fair Housing and Equal Opportunity. This preference shall apply to the initial occupancy, but not to subsequent occupancy, of the MIHD Homes.

XI. Maximum Monthly Housing Payment Eligibility.

Calculation of eligibility for occupancy in a MIHD Home, so as to satisfy Conn. Gen. Stat. § 8-30g, shall require the proposed occupant to meet three criteria: (1) maximum household income, adjusted for unit/family size; (2) a maximum purchase price or maximum rent for the mobile manufactured home that does not exceed the maximum sale price or maximum rent for an affordable home as calculated under Conn. Gen. Stat. § 8-30g and corresponding regulations, including regulations on the maximum monthly housing site rental payment promulgated by the U.S. Department of Housing and Urban Development; and (3) a maximum monthly housing payment that is less than the amount calculated under Conn. Gen. Stat. § 8-30g, as follows:

**EXAMPLE OF CALCULATION FOR A
4 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 6.0 persons by calculating 116 percent of Item 1	\$100,108
3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$80,086
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$24,026
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$2,002

Maximum Purchase Price of Mobile Manufactured Home

6. Determine reasonable estimate of monthly expenses, including real estate taxes ² (\$267), utilities (\$200), insurance (\$50), maintenance (\$50) and pad rents (\$450) ³	\$1,017
7. Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest	\$985
8. Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount	\$148,000
9. Assume 20 percent downpayment	\$37,000
10. Add Items 8 and 9 to determine MAXIMUM PRICE	\$185,000

² Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$185,000 amount to approximately \$3,205.

³ The maximum pad rent is calculated at \$620, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294. For MIHD Home Sites rented to purchasers of MIHD Homes earning between 60 percent and 80 percent of the median income, the maximum pad rent is multiplied by 120 percent, in accordance with Conn. Agencies Regs. § 8-30g-7(d)(7).

**EXAMPLE OF CALCULATION FOR A
3 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | | |
|----|---|----------|
| 1. | Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. | Determine the adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1 | \$89,752 |
| 3. | Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$71,802 |
| 4. | Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$21,540 |
| 5. | Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,795 |

Maximum Purchase Price of Mobile Manufactured Home

- | | | |
|-----|---|-----------|
| 6. | Determine reasonable estimate of monthly expenses, including real estate taxes ⁴ (\$223), utilities (\$200), insurance (\$50), maintenance (\$50) and pad rents (\$450) ⁵ | \$973 |
| 7. | Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$822 |
| 8. | Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$123,500 |
| 9. | Assume 20 percent downpayment | \$30,875 |
| 10. | Add Items 8 and 9 to determine MAXIMUM PRICE | \$154,375 |

⁴ Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$154,375 amount to approximately \$2,675.

⁵ The maximum pad rent is calculated at \$620, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294. For MIHD Home Sites rented to purchasers of MIHD Homes earning between 60 percent and 80 percent of the median income, the maximum pad rent is multiplied by 120 percent, in accordance with Conn. Agencies Regs. § 8-30g-7(d)(7).

**EXAMPLE OF CALCULATION FOR A
2 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | |
|--|----------|
| 1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. Determine the adjusted income for a household of 3.0 persons by calculating 90 percent of Item 1 | \$77,670 |
| 3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$62,136 |
| 4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$18,641 |
| 5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,553 |

Maximum Purchase Price of Mobile Manufactured Home

- | | |
|--|-----------|
| 6. Determine reasonable estimate of monthly expenses, including real estate taxes ⁶ (\$182), utilities (\$150), insurance (\$50), maintenance (\$50) and pad rents (\$450) ⁷ | \$882 |
| 7. Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$671 |
| 8. Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$100,800 |
| 9. Assume 20 percent downpayment | \$25,200 |
| 10. Add Items 8 and 9 to determine MAXIMUM PRICE | \$126,000 |

⁶ Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$126,000 amount to approximately \$2,183.

⁷ The maximum pad rent is calculated at \$620, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford is \$1,294. For MIHD Home Sites rented to purchasers of MIHD Homes earning between 60 percent and 80 percent of the median income, the maximum pad rent is multiplied by 120 percent, in accordance with Conn. Agencies Regs. § 8-30g-7(d)(7).

**EXAMPLE OF CALCULATION FOR A
1 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | | |
|----|---|----------|
| 1. | Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. | Determine the adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1 | \$64,725 |
| 3. | Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$51,780 |
| 4. | Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$15,534 |
| 5. | Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,295 |

Maximum Purchase Price of Mobile Manufactured Home

- | | | |
|-----|---|----------|
| 6. | Determine reasonable estimate of monthly expenses, including real estate taxes ⁸ (\$138), utilities (\$100), insurance (\$50), maintenance (\$50) and pad rents (\$450) ⁹ | \$788 |
| 7. | Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$507 |
| 8. | Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$76,200 |
| 9. | Assume 20 percent downpayment | \$19,050 |
| 10. | Add Items 8 and 9 to determine MAXIMUM PRICE | \$95,250 |

⁸ Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$95,250 amount to approximately \$1,650.

⁹ The maximum pad rent is calculated at \$620, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294. For MIHD Home Sites rented to purchasers of MIHD Homes earning between 60 percent and 80 percent of the median income, the maximum pad rent is multiplied by 120 percent, in accordance with Conn. Agencies Regs. § 8-30g-7(d)(7).

**EXAMPLE OF CALCULATION FOR A
4 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | | |
|----|---|-----------|
| 1. | Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. | Determine the adjusted income for a household of 6.0 persons by calculating 116 percent of Item 1 | \$100,108 |
| 3. | Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$60,065 |
| 4. | Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$18,109 |
| 5. | Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,502 |

Maximum Purchase Price of Mobile Manufactured Home

- | | | |
|-----|---|-----------|
| 6. | Determine reasonable estimate of monthly expenses, including real estate taxes ¹⁰ (\$160), utilities (\$200), insurance (\$50), maintenance (\$50) and pad rents (\$450) ¹¹ | \$910 |
| 7. | Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$591 |
| 8. | Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$88,800 |
| 9. | Assume 20 percent downpayment | \$22,200 |
| 10. | Add Items 8 and 9 to determine MAXIMUM PRICE | \$111,000 |

¹⁰ Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$111,000 amount to approximately \$1,923.

¹¹ The maximum pad rent is calculated at \$518, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294.

**EXAMPLE OF CALCULATION FOR A
3 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | | |
|----|---|----------|
| 1. | Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. | Determine the adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1 | \$89,752 |
| 3. | Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$53,851 |
| 4. | Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$16,155 |
| 5. | Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,346 |

Maximum Purchase Price of Mobile Manufactured Home

- | | | |
|-----|---|----------|
| 6. | Determine reasonable estimate of monthly expenses, including real estate taxes ¹² (\$127), utilities (\$200), insurance (\$50), maintenance (\$50) and pad rents (\$450) ¹³ | \$877 |
| 7. | Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$469 |
| 8. | Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$70,400 |
| 9. | Assume 20 percent downpayment | \$17,600 |
| 10. | Add Items 8 and 9 to determine MAXIMUM PRICE | \$88,000 |

¹² Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$88,000 amount to approximately \$1,525.

¹³ The maximum pad rent is calculated at \$518, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294.

**EXAMPLE OF CALCULATION FOR A
2 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | |
|--|----------|
| 1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. Determine the adjusted income for a household of 3.0 persons by calculating 90 percent of Item 1 | \$77,670 |
| 3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$46,602 |
| 4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$13,981 |
| 5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,165 |

Maximum Purchase Price of Mobile Manufactured Home

- | | |
|---|----------|
| 6. Determine reasonable estimate of monthly expenses, including real estate taxes ¹⁴ (\$99), utilities (\$150), insurance (\$50), maintenance (\$50) and pad rents (\$450) ¹⁵ | \$799 |
| 7. Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$366 |
| 8. Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$54,900 |
| 9. Assume 20 percent downpayment | \$13,725 |
| 10. Add Items 8 and 9 to determine MAXIMUM PRICE | \$68,625 |

¹⁴ Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$68,625 amount to approximately \$1,189.

¹⁵ The maximum pad rent is calculated at \$519, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294.

**EXAMPLE OF CALCULATION FOR A
1 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR SALE)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

- | | | |
|----|---|----------|
| 1. | Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. | Determine the adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1 | \$64,725 |
| 3. | Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$38,835 |
| 4. | Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$11,651 |
| 5. | Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$971 |

Maximum Purchase Price of Mobile Manufactured Home

- | | | |
|-----|--|----------|
| 6. | Determine reasonable estimate of monthly expenses, including real estate taxes ¹⁶ (\$68), utilities (\$100), insurance (\$50), maintenance (\$50) and pad rents (\$450) ¹⁷ | \$718 |
| 7. | Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest | \$253 |
| 8. | Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate to determine mortgage amount | \$37,800 |
| 9. | Assume 20 percent downpayment | \$9,450 |
| 10. | Add Items 8 and 9 to determine MAXIMUM PRICE | \$47,250 |

¹⁶ Real Estate taxes are based upon the published mill rate of 24.75 for the October 1, 2013 Grand List and an assessed value of 70 percent of the sales price. Annual taxes on a unit valued at \$47,250 amount to approximately \$819.

¹⁷ The maximum pad rent is calculated at \$518, which is 40 percent of the Fair Market Rent for a two bedroom dwelling in the region. The Fair Market Rent for a two bedroom dwelling in Oxford (part of the Milford-Ansonia-Seymour, CT HUD Metro FMR Area) is \$1,294.

EXAMPLE OF CALCULATION FOR A
4 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR RENT)

SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 6.0 persons by calculating 116 percent of Item 1	\$100,108
3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$80,086
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$24,026
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$2,002
6. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 4BR unit (\$1,825) times 120 percent	\$2,190
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$2,002
8. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$200
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$1,802

**EXAMPLE OF CALCULATION FOR A
3 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR RENT)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1	\$89,752
3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$71,802
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$21,540
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$1,795
10. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 3BR unit (\$1,638) times 120 percent	\$1,966
11. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,795
12. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$200
13. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$1,595

EXAMPLE OF CALCULATION FOR A
2 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR RENT)

SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 3.0 persons by calculating 90 percent of Item 1	\$77,760
3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$62,136
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$18,641
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$1,553
6. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 2BR unit (\$1,294) times 120 percent	\$1,553
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,553
8. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$150
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$1,403

EXAMPLE OF CALCULATION FOR A
1 BEDROOM HOME AT
80 PERCENT OF MEDIAN INCOME (HOME FOR RENT)

SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1	\$64,725
3. Calculate 80 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$51,780
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$15,534
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$1,295
14. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 1BR unit (\$1,047) times 120 percent	\$1,256
15. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,256
16. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$100
17. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$1,156

EXAMPLE OF CALCULATION FOR A
4 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR RENT)

SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 6.0 persons by calculating 116 percent of Item 1	\$100,108
3. Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$60,065
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$18,109
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$1,502
6. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 4BR unit (\$1,825)	\$1,825
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,502
8. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$200
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$1,302

EXAMPLE OF CALCULATION FOR A
3 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR RENT)

SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA

- | | |
|--|----------|
| 1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4) | \$86,300 |
| 2. Determine the adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1 | \$89,752 |
| 3. Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify | \$53,851 |
| 4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing | \$16,155 |
| 5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment | \$1,346 |
| 10. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 3BR unit (\$1,638) | \$1,638 |
| 11. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6) | \$1,346 |
| 12. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses) | \$200 |
| 13. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent | \$1,146 |

**EXAMPLE OF CALCULATION FOR A
2 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR RENT)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 3.0 persons by calculating 90 percent of Item 1	\$77,670
3. Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$46,602
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$13,891
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$1,165
6. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 2BR unit (\$1,294)	\$1,294
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,165
8. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$150
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$1,015

**EXAMPLE OF CALCULATION FOR A
1 BEDROOM HOME AT
60 PERCENT OF MEDIAN INCOME (HOME FOR RENT)**

**SAMPLE COMPUTATIONS
BASED ON
FY 2013 DATA**

1. Determine lower of area (\$91,400) or statewide (\$86,300) median income for a family of four (4)	\$86,300
2. Determine the adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1	\$64,725
3. Calculate 60 percent of Item 2 to determine Maximum Annual Household Income to Qualify	\$38,835
4. Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$11,651
5. Divide Item 4 by twelve (12) to determine the Maximum Monthly Housing Payment	\$971
14. Compare HUD 2013 Fair Market Rents for the Milford-Ansonia-Seymour, CT HUD Metro FMR Area for a 1BR unit (\$1,047)	\$1,047
15. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$971
16. Determine by reasonable estimate monthly expenses for heat and utilities (tenant responsible for such expenses)	\$100
17. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent	\$871

XII. Principal Residence for MIHD Homes that are Sold.

MIHD Homes that are sold shall be occupied only as an Owner's principal residence. Subleasing of MIHD Homes by the Owner shall be prohibited. Notwithstanding the foregoing, the MIHD Home Site on which an MIHD Home is located may be leased to the owner of the MIHD Home, provided the MIHD Home Site is exclusively dedicated for an MIHD Home.

XIII. Requirement to Maintain Condition.

All Owners are required to maintain their homes if their homes were purchased. The Owner shall not destroy, damage or impair the home, allow the home to deteriorate, or commit waste on the home. When a MIHD Home is offered for re-sale, the Administrator may cause the home to be inspected.

XIV. Resale of a MIHD Home that is Sold.

For an MIHD Home that is sold, an Owner may sell his or her MIHD Home at any time, provided that the Owner complies with Conn. Gen. Stat. §§ 21-67a and 21-79, and the restrictions concerning the sale of homes as set forth in this Plan and in the occupancy restrictions set forth in Schedule F (the "Deed Restrictions"). If the Owner wishes to sell, the Owner shall notify the Administrator in writing. To the extent allowed by Conn. Gen. Stat. § 21-79, the Owner shall pay the Administrator a reasonable fee to cover the cost of administering the sale. The Administrator shall then work with the Owner to calculate a Maximum Price, as set forth in Section XI. The Administrator shall publish notice of the availability of the home in the same manner as was followed for the initial sale, as set forth in Section VI above. The Administrator shall bring any purchase offers received to the attention of the Owner. The Administrator shall fulfill all of the obligations imposed upon the owner or operator of a mobile manufactured home park by Conn. Gen. Stat. § 21-79.

The Owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. The Owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of this Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in this Plan. Once the Owner and potential purchaser execute the purchase and sale agreement, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have ten (10) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in Section IX above. The Administrator shall notify the Owner and the potential purchaser of its determination of eligibility in writing within said ten (10) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and the Owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and the Owner with a signed certification, executed in recordable form, to the effect that the sale of the

particular Home has complied with the provisions of this Plan. The Owner shall bear the cost of recording the certification.

XV. Enforcement.

A violation of this Plan or the Deed Restrictions shall not result in a forfeiture of title, but the Oxford Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of MIHD Homes with the affordable housing regulations.

XVI. Occupancy Restrictions.

The Occupancy Restrictions contained in Schedule F shall be included in each deed of a MIHD Home that is sold during the forty (40) year period in which the affordability program is in place to provide notice of the affordability restrictions and to bind future purchasers. No MIHD Home shall be sold to any purchaser during the forty (40) year period in which the affordability program is in place unless all lenders providing mortgage financing to such purchaser shall subordinate their mortgage to the terms of the occupancy restrictions contained in Schedule F and agree that any foreclosure of such mortgage will not terminate the sale and resale price restrictions.

XVII. Binding Effect.

This Plan shall be binding on the successors and assigns of the Developer.

SCHEDULE A PROPERTY DESCRIPTION

All that certain piece or parcel of land together with the buildings and improvements thereon, situated in the Town of Oxford, County of New Haven and State of Connecticut shown on a map entitled "Existing Conditions Map for Garden Homes Property of Oxford Property Holdings LLC, Hurley Road, Oxford, CT," Scale: 1"= 80', dated: July 8, 2003, prepared by Kratzert, Jones & Associates, Inc., more particularly bounded and described as follows:

Commencing at a point in the southerly street line of Hurley Road, said point being an existing concrete monument marking the southwesterly corner of the herein described parcel and the point and place of beginning. Thence N 05° 28' 06"W a distance of 489.59' along land N/F of Oxford Partnership to a point; Thence S 88° 52' 48"W a distance of 196.80' along land N/F of Oxford Partnership to a point; Thence N 00° 07' 57"W a distance of 415.42' to a point; Thence N 87° 02' 49"W a distance of 239.78' to a point; Thence N 04° 11' 39"W a distance of 208.77' to a point; Thence N 01° 43' 29"W a distance of 163.65' to a point, the last four courses along N/F of Robert & Olive Mastrianni and Joseph & Ruth Ferrigno; Thence S 83° 13' 49"E a distance of 557.03' to a point; Thence N 83° 00' 16"E a distance of 203.96' to a point; Thence S 85° 41' 09"E a distance of 339.64' to a point; Thence along a curve to the left having a radius of 2080.00', a delta of 15° 59' 49" and a length of 580.73' to a point; Thence S 79° 42' 50"E a distance of 226.61' to a point. The last five courses being along the southerly highway line of Oxford Airport Road. Thence S 26° 04' 14"E a distance of 57.20' to a point; Thence S 11° 18' 19"W a distance of 51.50' to a point; Thence S 17° 59' 15"W a distance of 259.50' to a point; Thence S 19° 07' 41"W a distance of 237.03' to a point; Thence S 17° 45' 38"W a distance of 220.26' to a point; Thence S 18° 04' 06"W a distance of 175.96' to a point; Thence S 21° 50' 09"W a distance of 107.89' to a point; Thence S 18° 43' 30"W a distance of 94.24' to a point; Thence S 31° 32' 38"W a distance of 19.81' to a point. The last nine courses being along the westerly street line of Donovan Road. Thence S 64° 54' 57"W a distance of 16.34' to a point; Thence N 87° 34' 45"W a distance of 23.19' to a point; Thence N 86° 49' 20"W a distance of 79.70' to a point; Thence N 86° 56' 35"W a distance of 123.61' to a point; Thence N 86°

1.

19' 33"W a distance of 193.50' to a point; Thence N 89° 35' 10"W a distance of 154.36' to a point; Thence S 86° 34' 16"W a distance of 97.59' to a point; Thence S 81 ° 42' 19"W a distance of 157.64' to a point; Thence S 84° 50' 38"W a distance of 196.79' to the point and place of beginning, the last nine courses being along the northerly street line of Hurley Road.

Said Parcel contains 40.79 Acres.

Subject to such drainage, grading and non-access rights set forth in a Certificate of Condemnation by the State of Connecticut dated November 11, 1974, and recorded in Volume 82 at Page 512 of the Oxford Land Records.

Subject to building lines, notes and conditions as set forth on Map No. 20-3 on file in the office of the Oxford Town Clerk.

Subject to all ordinances, governmental and municipal regulations, including building and zoning ordinances, or public or private laws, affecting said premises.

SCHEDULE B
IDENTIFICATION OF MIHD HOME SITES

Affordable Homes shall initially be located on the following manufactured home spaces, but may be relocated so long as they remain generally distributed throughout the site:

2, 5, 8, 12, 15, 19, 21, 24, 27, 30, 31, 33, 37, 41, 44, 49, 53, 56, 58, 61, 64, 67, 69, 71, 74, 77, 83, 86, 89, 92, 95, 99, 104, 109, 112, 114, 120, 124

Total: 38 sites

SCHEDULE C
MINIMUM SPECIFICATIONS FOR
MARKET-RATE AND MIHD HOMES

Minimum specifications for all mobile manufactured homes are provided by the following federal regulations:

24 C.F.R. §§ 3280.1 through 3280.904, and
24 C.F.R. §§ 3282.1 through 3282.554.

and by Conn. Gen. Stat §§ 21-68, which are hereby incorporated by reference

In addition, the manufacturer's specifications for homes at Oxford Commons are provided on the following pages.

SECTIONAL STANDARD FEATURES.

CABINETRY

CABINET DOORS THROUGHOUT
CABINET DOOR HINGES
KITCHEN O.H. CABINETS
SHELVING - KITCHEN O.H. CABINETS
SHELVING - KITCHEN BASE CABINETS
REFRIGERATOR OVERHEAD
RANGE OVERHEAD
KITCHEN BASE CABINET CONSTRUCTION
MASTER BATH VANITY HEIGHT
HALL BATH VANITY HEIGHT
CABINET DOOR & DRAWER PULLS - BRUSHED NICKEL
STILES
ROLLER DRAWER GUIDES
LAMINATE COUNTERTOPS THROUGHOUT
COUNTERTOP BACKSPLASH THROUGHOUT

CHAMPION

OAK FINISH MDF PICTURE FRAME
HIDDEN
30" LINED
STATIONARY
CENTER & BOTTOM
CABINET WITH DOORS
SPICE RACK
DOORS WITH BANK OF DRAWERS
36"
30"
SPOON HANDLE
1/2" WRAPPED
SIDE MOUNTED
SELF-EDGED
4" LAMINATED

SOVEREIGN

OAK FRAME FLAT PANEL
HIDDEN
30" LINED
ADJUSTABLE
CENTER & BOTTOM
CABINET WITH DOORS
SPICE RACK
DRAWER OVER DOOR
36"
30"
SPOON HANDLE
3/4" SOLID OAK
SIDE MOUNTED
SELF-EDGED
4" LAMINATED

KITCHEN

REFRIGERATOR
RANGE
RANGE HOOD
SINK
FAUCET

BATHS

TUB
TUB TREATMENT
SHOWER WHEN UTILIZED
SINKS
TOILET
FAUCETS
ALL BATH MIRRORS
GLAMOUR BATH WHEN UT

HEATING & PLUMBING

40 GAS FURNACE SIZED TO H
THERMOSTAT
HEAT DUCT REGISTER LOCATION
HEAT DUCT CROSSOVERS
FURNACE COMPARTMENT DOOR
WATER HEATER
WATER LINES
DRAIN LINES
WATER SHUT-OFF VALVES & MAIN SHUT-OFF VALVE
PLUMBED FOR CLOTHES WASHER

ELECTRICAL

MAIN SERVICE
LIGHTING FIXTURES:
DININGROOM

BEDROOMS
MASTER BATHROOM
HALL BATHROOM
KITCHEN SINK LIGHT
CLOSETS - WALK-IN ONLY
FRONT DOOR & PATIO DOOR PORCH LIGHT
REAR DOOR PORCH LIGHT
GFI WEATHER PROOF EXTERIOR RECEPTACLE
SMOKE DETECTOR WITH BATTERY BACK-UP
WIRED & VENTED FOR CLOTHES DRYER

100 AMP

DOUBLE BULB WITH GLASS DISH
DOUBLE BULB WITH GLASS DISH
2 ARM WITH "TULIP" LIGHT GLOBES
2 ARM WITH "TULIP" LIGHT GLOBES
CEILING - DBL BULB WITH GLASS GLOBE
SINGLE BULB W/GLOBE
DELUXE WHITE
"JAR" STYLE
1
PER CODE
STANDARD

100 AMP

DLX CHANDELIER WITH DIMMER
SWITCH
DOUBLE BULB WITH GLASS DISH
BRUSHED NICKEL LIGHT BAR
BRUSHED NICKEL LIGHT BAR
LIGHTED SOFFIT
SINGLE BULB W/GLOBE
DELUXE WHITE
DELUXE WHITE
1
PER CODE
STANDARD

SECTIONAL STANDARD FEATURES

CONSTRUCTION	CHAMPION	SOVEREIGN
ALL HUD FEES AND SEALS	STANDARD	STANDARD
VINYL SIDING	DBL 4 1/2" DUTCH LAP	DBL 4 1/2" DUTCH LAP
SHEATHING UNDER SIDING	G.P. STRUCTURE BOARD	G.P. STRUCTURE BOARD
SOFFIT, FASCIA & DRIP EDGE	METAL	METAL
SHINGLED ROOF WITH CONTINUOUS RIDGE VENT	3 TAB - 20 YEAR	3 TAB - 20 YEAR
ROOF PITCH	NOMINAL 3 / 12	NOMINAL 3 / 12
ROOF TRUSSES	24" O.C.	18" O.C.
ROOF DECKING	7/16" OSB	7/16" OSB
GABLE END ROOF OVERHANG	6"	6"
SIDEWALL HEIGHT (20' & 24' & 28' WIDE MODELS)	7'6"	7'6"
SIDEWALL HEIGHT (32' WIDE MODELS)	7'0"	7'0"
EXTERIOR WALLS	2" X 6" - 16" O.C.	2" X 6" - 16" O.C.
MARRIAGE WALLS	2" X 6" - 16" O.C.	DOUBLE 2" X 4"
FLOOR JOISTS	2" X 6" - 16" O.C.	2" X 6" - 16" O.C.
FLOOR DECKING	5/8" NOVADECK	5/8" NOVADECK
INSULATION:		
ROOF - BLOWN CELLULOSE		R - 30
EXTERIOR WALLS - FIBERGLASS		R - 19
FLOORS - FIBERGLASS BATT		R - 14
STEEL FRAME		RECESSED
NAILS		REMOVABLE
EXTERIOR		
RAISED PANEL SHUTTERS		F & DS
VINYL DUAL GLAZED LOW		GRIDDED
36" X 80" FRONT DOOR		2 LITE STEEL
36" X 80" REAR DOOR		9 LITE STEEL
STORM DOOR		FRONT & REAR
DEADBOLT LOCK		FRONT & REAR
INTERIOR AND DECOR		
CEILINGS: 1/2" DRYWALL		SMOOTH FINISHED
WALLS:		
LIVING AREAS AND MAIN		FINISHED DRYWALL
SECONDARY BEDROOMS		FINISHED DRYWALL
WET AREAS		VINYL ON GYPSUM
FLOOR COVERINGS		
LIVING AREAS, BEDROOMS		HIGH SIERRA® FHA APPROVED
KITCHEN, UTILITY, BATHS EXCEPT		CARPET
GLAMOUR BATH		NO WAX VINYL
CARPET PAD		HIGH SIERRA® CARPET
FOYER AT FRONT DOOR		6 LB. 1/2" REBOND
INTERIOR DOORS		NO WAX VINYL
DOOR KNOBS		OAK FINISH FLUSH
MOLDINGS:		BRUSHED NICKEL
CEILING COVE		
DOOR & WINDOW CASING		WHITE PAINTED
BASE		PROFILED
TOP OF KITCHEN O.H. CABINETS		COLONIAL
WINDOW SILLS		OAK ROPE PROFILE
CLOSET SHELF		3/4" SOLID OAK
FINISHED CLOSETS		WIRE VENTED
SHELF OVER WASHER / DRYER		STANDARD
WINDOW TREATMENT:		STANDARD
DRAPERY		
MIN-BLINDS ON ALL WINDOWS EXCEPT 14X40 WINDOW		LEVEL III PKG
DECOR SELECTION		STANDARD
		CHOICE OF 4

NOTE: Champion Home Builders Co. reserved the right to make changes at any time in prices, colors, materials, equipment, specifications and models and also to discontinue models without notice and/or alterations. All dimensions are nominal. Data shown is basic information for the prospective buyer effective at time of issuance of this literature. Retailer will provide complete up to date information on available equipment, specifications, etc. not shown or noted here. Items referred to as being available or optional are at extra cost.

SCHEDULE D
DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609, and includes, but is not limited to, the following:
 - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
 - b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;
 - c. Interest, dividends, and other net income of any kind from real or personal property;
 - d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments;
 - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;
 - f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:
 - (1) The amount of the allowance exclusive of the amounts designated for shelter or utilities, plus
 - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;
 - g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);
 - h. All regular pay, special pay and allowances of a member of the armed forces;
 - i. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.

2. Excluded from the definition of family annual income are the following:
 - a. Income from employment of children under the age of 18;
 - b. Payments received for the care of foster children;
 - c. Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlement for personal or property losses;
 - d. Amounts received that are specifically for, or in reimbursement of, the cost of medical expense for any family member;
 - e. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran in connection with education costs;
 - f. Amounts received under training programs funded by HUD;
 - g. Food stamps; and
 - h. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic).
3. Net family assets for purposes of imputing annual income include the following:
 - a. Cash held in savings and checking accounts, safety deposit boxes, etc.;
 - b. The current market value of a trust for which any household member has an interest;
 - c. The current market value, less any outstanding loan balances of any rental property or other capital investment;
 - d. The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;
 - e. The current value of any individual retirement, 401K or Keogh account;
 - f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;
 - g. Any lump-sum receipts not otherwise included in income (*i.e.*, inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);
 - h. The current market value of any personal property held for investment (*i.e.*, gems, jewelry, coin collections); and

- i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.
- 4. Net family assets do not include the following:
 - a. Necessary personal property (clothing, furniture, cars, etc.);
 - b. Vehicles equipped for handicapped individuals;
 - c. Life insurance policies;
 - d. Assets which are part of an active business, not including rental properties; and
 - e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

SCHEDULE E DOCUMENTATION OF INCOME

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

- a. An employment verification form completed by the employer.
- b. Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
- c. W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
- d. Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

- a. Benefit verification form completed by agency providing the benefits.
- b. Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
- c. If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.
 - a. Verification form completed by the unemployment compensation agency.
 - b. Records from unemployment office stating payment dates and amounts.
4. Government Assistance.
 - a. All Government Assistance Programs. Agency's written statements as to type and amount of assistance Applicant is now receiving, and any changes in assistance expected during the next twelve (12) months.
 - b. Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.
5. Alimony or Child Support Payments.
 - a. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
 - b. A letter from the person paying the support.
 - c. Copy of latest check. The date, amount, and number of the check must be documented.
 - d. Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.
6. Net Income from a Business.

The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

 - a. IRS Tax Return, Form 1040, including any:
 - (1) Schedule C (Small Business).
 - (2) Schedule E (Rental Property Income).
 - (3) Schedule F (Farm Income).

- b. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
- c. Audited or unaudited financial statement(s) of the business.
- d. A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.
- e. Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

- a. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.
- b. Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

- a. Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.
- b. Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled checks or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.
- c. Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held.

For non-liquid assets, collect enough information to determine the current cash value (*i.e.*, the net amount the Applicant would receive if the asset were converted to cash).

- a. Verification forms, letters, or documents from a financial institution, broker, etc.

- b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- c. Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.
- d. Real estate tax statements if tax authority uses approximate market value.
- e. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.
- f. Appraisals of personal property held as an investment.
- g. Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

10. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Application Date.

- a. Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Application Date.
- b. If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:
 - (1) A list of all assets disposed of for less than FMV;
 - (2) The date Applicant disposed of the assets;
 - (3) The amount the Applicant received; and
 - (4) The market value to the asset(s) at the time of disposition.

11. Savings Account Interest Income and Dividends.

- a. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.
- b. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.
- c. If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.

12. Rental Income from Property Owned by Applicant.

The following, adjusted for changes expected during the next twelve (12) months, may be used:

- a. IRS Form 1040 with Schedule E (Rental Income).
- b. Copies of latest rent checks, leases, or utility bills.
- c. Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).
- d. Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

- a. Written verification from the registrar's office or appropriate school official.
- b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

SCHEDULE F MODEL OCCUPANCY RESTRICTIONS

The language below shall be inserted in each deed for a MIHD Home that is sold for the duration of the forty (40) year sale price restriction period.

The property conveyed hereby is an "affordable housing" home as defined in Conn. Gen. Stat. § 8-30g. Said property is subject to the following restrictions (the "Restrictions"):

1. This dwelling unit is an affordable housing dwelling unit and is therefore subject to a limitation at the date of purchase on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of Oxford.
2. For the duration of this covenant or restriction, this dwelling unit may be sold only in conformity with this Affordability Plan. In the event said owner desires to make said Home available for sale, said owner shall comply with all of the following, in addition to any requirement imposed by Conn. Gen. Stat. §§ 21-67a and 21-69. Said owner shall notify the Administrator in writing. To the extent allowed by Conn. Gen. Stat. § 21-79, the owner shall pay the Administrator a reasonable fee to cover the cost of administering the sale. The Administrator shall then provide notice of the availability of said Home for purchase. Such notice shall be provided, at a minimum, by advertising at least two times in newspapers of general circulation in the Town. The owner shall bear the cost of such advertisement. Such notice shall include a description of said Home, the eligibility criteria for potential purchasers, the Maximum Sale Price and the availability of application forms and additional information. All such notices shall comply with the Federal Fair Housing Act, 42 U.S.C. §§ 3601 et seq., and the Connecticut Fair Housing Act, Conn. Gen. Stat. §§ 46a-64b, 64c. Said owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. Said owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of the Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in the Affordability Plan. Once the purchase and sale agreement is executed by said owner and the potential purchaser, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have ten (10) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in the Affordability Plan. The Administrator shall notify said owner and the potential purchaser of its determination of eligibility in writing within said ten (10) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and said

owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and said owner with a signed certification, executed in recordable form, to the effect that the sale of the particular MIHD Home has complied with the provisions of the Affordability Plan. The owner shall bear the cost of recording said certification.

3. Said owner shall occupy said Home as said owner's principal residence and shall not sublease said Home.
4. Said owner shall maintain said Home. Said owner shall not destroy, damage or impair said Home, allow said Home to deteriorate, or commit waste on said Home. When said Home is offered for re-sale, the Administrator may cause said Home to be inspected.
5. A site plan for this community was approved by agencies of the Town based in part on the condition that a defined percentage of the homes in the community would be preserved as affordable homes. The Restrictions are required by law to be strictly enforced.
6. A violation of the Restrictions shall not result in a forfeiture of title, but the Oxford Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said Home and to examine the books and records of the Administrator to determine compliance of said Home with the affordable housing regulations.
7. This Home may only be located on a Manufactured Home Space expressly dedicated for an affordable housing dwelling unit and which Manufactured Home Space is rented pursuant to a lease that will preserve the Manufactured Home Space and this Home as affordable housing.

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ARTICLE 6A – MIXED INCOME HOUSING DISTRICT

Section 6A.1 – Intent

The purpose of this Mixed Income Housing District zone regulation is to establish regulations governing the development of a residential community that will provide the Town of Oxford and the region with both market-rate dwellings and dwellings that are subject to long-term restrictions that will ensure their accessibility for moderate income and low income households. This regulation establishes standards to facilitate such development on selected parcels on which construction will be consistent with soil types, terrain and infrastructure capacity.

Section 6A.2 – Definitions

6A.2.1 “Manufactured home” shall mean a “mobile manufactured home” as set forth in Conn. Gen. Stat. § 21-64(1) and 21-64a.

6A.2.2 “Manufactured home space” means a plot of ground within a manufactured housing community designated for the accommodation of one manufactured home, as set forth in Conn. Gen. Stat. § 21-64(3).

6A.2.3 “Manufactured housing community” shall be defined as a residential development comprised of manufactured homes and all accompanying infrastructure and accessory uses, specifically including a “mobile manufactured home park” as set forth in Conn. Gen. Stat. § 21-64(2).

6A.2.4 “Mixed Income Housing District” (MIHD) shall be deemed to mean a housing community in which not less than 30 percent of the dwellings will be held, leased or conveyed by deeds containing covenants or restrictions which shall require that such dwellings be sold or rented at, or below, process which will preserve the dwellings as affordable housing as defined in § 8-30g of the Connecticut General Statutes for persons and families whose income is less than or equal to 80 percent of the lesser of the statewide or area median income, for at least 40 years after the initial occupation of the proposed community.

6A.2.5 To the extent they are not inconsistent with this Article 6A, the definitions of Article 2 are hereby incorporated by reference. In the event of an inconsistency, the provisions of this Article 6A shall control and supersede such inconsistent definition.

Section 6A.3 – Eligible Location

A Mixed Income Housing District shall be permitted on property containing at least 40 acres, but not more than 41 acres, in single ownership and fronting on Hurley Road.

Section 6A.4 – Permitted Uses

No land in the Mixed Income Housing District shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for residential use of manufactured homes that have

been affixed to a prepared site within a manufactured housing community; provided however, that a permitted use may be accompanied by lawful accessory uses. No portion of an MIHD shall be subdivided or sold separately from the remaining land, provided however, that individually identified manufactured home spaces may be separately leased and lessees of individually identified manufactured home spaces may own and sell the manufactured home located thereon. This paragraph shall not be deemed to prohibit the sale of the entire community as one parcel, subject to the rights of the occupants.

Section 6A.5 – Application for and Approval of Mixed Income Housing Districts

- 6A.5.1** An application for approval of a Mixed Income Housing development shall be made by submission of an application for site plan approval, such submission to be in conformance with Article 11 of these Regulations.
- 6A.5.2** Following site plan approval, construction of a manufactured home within a manufactured housing space shall require application for and issuance of a zoning permit in accordance with Article 4 of these Regulations.

Section 6A.6 – Criteria for Manufactured Housing Communities

- 6A.6.1** All manufactured housing communities shall be occupied for residential purposes only. Each manufactured home shall have the wheel hubs, axles and tongue or hitch removed and shall be placed on and affixed to a permanent concrete slab in accordance with manufactured housing industry standards.
- 6A.6.2** All landscaping and storm water control structures in the community, including all lawns and landscaping within individual manufactured home spaces, shall be maintained solely by the owner of the community.

Section 6A.7 – Dimensional Requirements

- 6A.7.1** Every parcel zoned Mixed Income Housing District shall have a minimum frontage of 200 feet on a public street.
- 6A.7.2** Total impervious coverage shall not exceed 25 percent of the gross area of the site.
- 6A.7.3** Total impervious building coverage shall not exceed 15 percent of the gross area of the site.
- 6A.7.4** **Front Yard.** A Mixed Income Housing District shall have one front yard of at least 50 feet, which shall be suitably landscaped.
- 6A.7.5** **Rear and Side Yards.** All buildings shall be located at least 25 feet from the property line of the manufactured housing community.
- 6A.7.6** **Street Setbacks.** No building shall be located within 25 feet of any Town or State road.

6A.7.7 Density shall not exceed 3.5 units per gross acre.

6A.7.8 No less than 30 percent of the gross acreage shall be dedicated, by conservation easement or similar enforceable method, as permanent open space.

Section 6A.8 – Internal Requirements

6A.8.1 **Requirements for Manufactured Home Spaces.** The minimum area for each manufactured home space shall be 2,000 square feet, with a minimum width of 50 feet per space.

6A.8.2 No building shall be located within 20 feet from an interior roadway.

6A.8.3 **Interior setbacks.** All manufactured homes shall be located at least 5 feet from any boundary of their manufactured home space that is adjacent to another manufactured home space. No manufactured home may be located within 20 feet of another manufactured home. All sheds and other detached accessory buildings shall be located at least 2 feet from any boundary of their manufactured home space.

6A.8.4 Building height shall not exceed 20 feet.

Section 6A.9 – Interior Roadways

All interior roadways shall be private; however the provisions of Section 22 of Article 3 shall not apply. All manufactured home spaces shall abut an interior roadway with a paved travel way no less than 24 feet in width. Suitable measures shall be taken to insure proper drainage. All interior roadways and common areas shall be maintained by the property owner.

Section 6A.10 – Parking

At least 2 parking spaces shall be provided for each manufactured home space with minimum dimensions of each space of 10 feet by 20 feet, which shall be located off of the street. A minimum of 10 guest parking spaces shall be provided and 1 handicapped parking space shall be provided.

Section 6A.11 – Utilities

All utilities serving individual manufactured homes shall be located underground within the community and the respective manufactured home space that they serve.

Section 6A.12 – Additional Site Development Requirements

6A.12.1 Each manufactured home space shall be clearly defined on the ground by permanent monuments or iron pins.

6A.12.2 All non-residential buildings, excluding accessory buildings on individual manufactured home spaces and other facilities shall be located at least 50 feet from any manufactured home.

Section 6A.13 – Grading

6A.13.1 A site plan application for a Mixed Income Housing development shall include maps and plans prepared by an engineer or surveyor licensed to practice in Connecticut showing all information necessary to allow the Commission to determine that moving on grading of earth materials as required for the site plan can be achieved in a safe and environmentally sound manner, including the following information:

6A.13.1.1 The boundaries of the property where the excavation is proposed and the area to be excavated.

6A.13.1.2 Existing and proposed grades of the property on a plan drawn to a scale of not less than 100 feet to the inch at the contour level of 2 foot intervals. Such map shall include:

- 1) Grades of the land at the time of the application, based on a field survey.
- 2) Proposed grades at the completion of the excavation.
- 3) Indication, by shading of those areas where the existing grades are in excess of 35 percent, and those areas where the existing grades are between 20 percent and 25 percent.

6A.13.1.3 Existing and proposed drainage on the premises.

6A.13.1.4 Surrounding streets and property lines.

6A.13.1.5 Principal wooded areas and any rock outcrops.

6A.13.1.6 Existing and proposed structures on the premises.

6A.13.1.7 Proposed truck passage to the excavation area.

6A.13.1.8 Proposed soil erosion and sediment control plan pursuant to Article 12.

6A.13.2 Site grading in conjunction with a site plan for a Mixed Income Housing District shall not require a separate Special Exception approval under Article 14 and Section 12 of Article 3.

6A.13.3 Retaining walls shall not exceed a height of 6 feet and shall not be located within an individual manufactured home space.

Section 6A.14 – Affordable Housing Requirements

The purpose of the Mixed Income Housing District is to facilitate a residential community containing both market rate and price restricted dwellings that comply with § 8-30g of the General Statutes and 24 CFR §

§ 3280.1 to 3280.904 and 3282.1 to 3282.554. Such price restricted dwellings are referred to herein as MIHD Homes. The following requirements shall apply to MIHD Homes:

- 6A.14.1 MIHD Homes shall be of a construction quality that is comparable to market rate homes within the community. The final site plan and affordability plan shall identify the locations within the community of the MIHD Homes. MIHD Homes shall be interspersed throughout the community.
- 6A.14.2 The MIHD Homes shall be built or installed on a *pro rata* basis as construction proceeds.
- 6A.14.3 Calculation of the maximum monthly payment for MIHD Homes, so as to satisfy Conn. Gen. Stat. § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a purchase and sales agreement or lease agreement is executed by the parties.
- 6A.14.4 The maximum monthly payment that the owner of an MIHD Home shall pay shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in Conn. Gen. Stat. § 8-30g, and shall include periodic mortgage or financing payment, based on a commercially reasonable interest rate at the time of occupancy; taxes; insurance; ground lease payments; heat; and utility costs, including hot water, sewer and electricity, but excluding telephone, cable television and information/internet services. All MIHD Homes shall be located on a Manufactured Home Space that is expressly dedicated for use by an MIHD Home within the community. Rent paid for a Manufactured Home Space dedicated for an MIHD Home shall not exceed the maximum monthly rental for a mobile manufactured home space promulgated by the U.S. Department of Housing and Urban Development and such rent shall be included in the calculation for maximum monthly payments to ensure that the total amount paid does not exceed the amount permitted by this section and the General Statutes.
- 6A.14.5 MIHD Homes shall be occupied only as an owner's principal residence. Sub-leasing of MIHD Homes shall be prohibited. Notwithstanding the foregoing, the Manufactured Home Space on which an MIHD Home is located may be leased to the owner of the MIHD Home, provided the Manufactured Home Space is exclusively dedicated for an MIHD Home.
- 6A.14.6 At the same time that the market rate homes in a Mixed Income Housing District are first advertised to the general public, notice of availability of the MIHD Homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Oxford, by providing notice to the Oxford Town Council, the Oxford Town Clerk, and the Oxford Planning & Zoning Commission, and through procedures outlined in the affirmative fair housing marketing plan.
- 6A.14.7 Each deed for an MIHD Home will contain substantially the following provision:

"This dwelling unit is an affordable housing dwelling unit and is therefore subject to a limitation at the date of purchase on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These

limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of Oxford.

For the duration of this covenant or restriction, this dwelling unit may be sold only to a household or family whose annual income is equal to or less than eighty percent (80%) or sixty percent (60%), as applicable, of the median income as defined in subsection 8-30g – 1(1) of the Regulations of Connecticut State Agencies, and may be sold or resold and only at a price equal to or less than the price determined using the formula stated in section 8-30g – 8(a) of the Regulations of Connecticut State Agencies.”

- 6A.14.8** Each lease for a Manufactured Home Space containing an MIHD Home will contain substantially the following provision:

“This space is an affordable housing dwelling unit space and is therefore subject to a limitation on the maximum annual income of the household that may rent the unit, and is subject to a limitation on the maximum rental that may be charged for the unit. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of Oxford or owner or landlord of this space.

For the duration of this covenant or restriction, this space shall be rented to persons or families whose annual income is equal to or less than eighty percent (80%) or sixty percent (60%), as applicable, of the median income as defined in subsection 8-30g – 1(10) of the Regulations of Connecticut State Agencies, and may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount, including utilities, stated in Section 8-30g – 8(d) of the Regulations of Connecticut State Agencies.

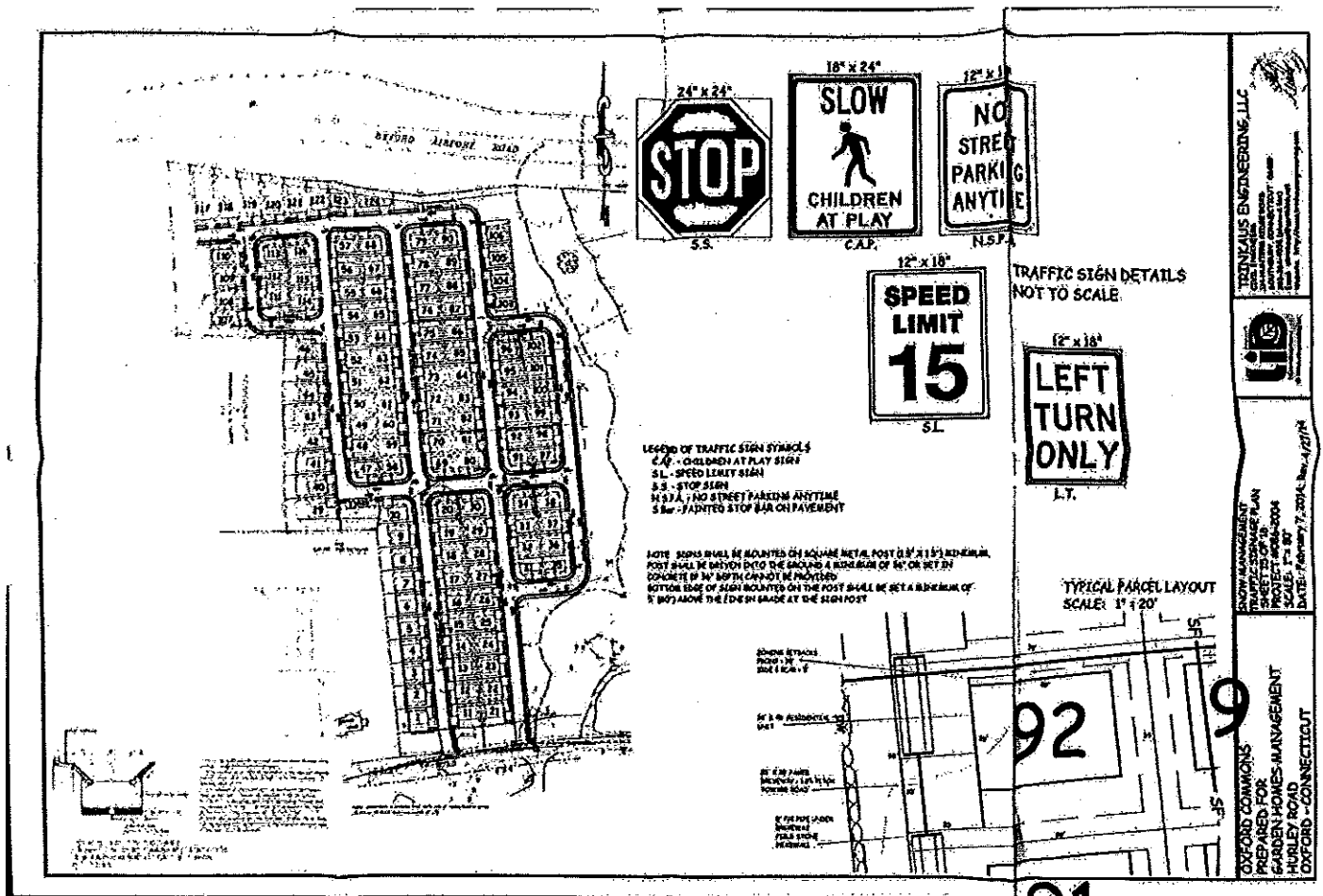
- 6A.14.9** The forty (40) year affordability period shall be calculated separately for each MIHD Home in a Mixed Income Housing District, and the period shall begin on the date, as defined at closing, of occupancy of the MIHD Home.
- 6A.14.10** In conjunction with an application for approval of a final site plan for a Mixed Income Housing District, the applicant shall submit an “Affordability Plan”, which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable homes, identification of those homes which are to be designated affordable, procedures for verification of unit income, and compliance with affordability requirements. Such plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the prospective owners concerning such restrictions.
- 6A.14.11** The applicant shall also submit an affirmative fair housing marketing plan to govern the sales of all MIHD Homes at the time of final site plan approval.
- 6A.14.12** A violation of the Regulations contained in this section shall not result in a forfeiture or reversion of title, but the Oxford Planning & Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including

the authority under § 8-12 to issue notices of violation, to impose fines and so seek injunctive relief.

Section 6A.15 – Conflicts

- 6A.15.1** Where any provision of this Article conflict with any other provisions of the Oxford Zoning Regulations, the provisions of this Article shall supersede the conflicting provisions.
- 6A.15.2** Any application for a manufactured housing community in the MIHD zone shall be expressly exempt from the provisions of Article 13 and Section 52 of Article 2.

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May 06, 2014

Ms. Anna Silva Rycenga, ZEO
Town of Oxford
486 Oxford Road
Oxford, CT 06478

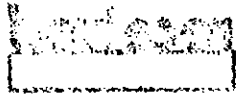
RE: Garden Homes Management Corporation Affordable Housing Application

Dear Ms. Rycenga,

As you are aware, your engineering consultant, James Galligan of Nafis & Young, Inc. met with me and Steve Trinkaus of Trinkaus Engineering, Inc. on April 24, 2014, to discuss the comments in his letter of April 8, 2014 regarding the application of Garden Homes for an affordable housing development in the Town of Oxford. That meeting was very productive, and several of his comments are addressed by the revised plans we are submitting with this letter. I am writing you this letter to summarize his comments, that meeting, the revisions submitted with this letter, and the modifications that we are willing to make to the site plan as conditions of approval. I am also including, for the sake of clarity and completeness, the modifications to the plans we are willing to make as conditions of approval in response to the comments of Mr. Miller, your planning consultant, in his April 7 memo. Throughout this letter, comments from your consultants are in *italics*, while our responses are in standard type.

Comments of Mr. Galligan That Have Been Addressed by Submitted Revisions

1. *The modifications to the original road and addition of the new second full access road now include drainage swales which discharge stormwater from the project site directly onto Hurley Road without control. This will cause icing problems on the public street during winter.*



Anna Rycenga, ZEO
May 5, 2014
Page 2

The depicted swales now end at our client's property line, and underdrains have been added in those two areas connecting to already-proposed catch basins. Rather than discharge to Hurley Road, water in those swales will now discharge into the stormwater management system.

1. *The curb radii of the two (2) entrance roads onto Hurley Road including the second full access road: a) do not appear standard, b) are not dimensioned and c) measure to only be about 10 ft and do not meet any road design standard to permit fire trucks to make efficient turns.*

The curb radii of the two entrance roads have been changed to a 25 foot radius, the minimum allowable radius for subdivision roads in the Town of Oxford. If such a radius is acceptable for subdivision roads, it is certainly acceptable for privately owned access roads. Furthermore, a turning diagram has been added to the plans depicting the turning path of a 40-foot long fixed axle truck, the largest truck in the fleet of the Oxford fire department, showing that the truck is capable of turning into the access road. This diagram is based on information received from you Fire Chief and the manufacturer's specifications for the vehicle.

2. *The redesign of the hammerheads at the ends of the interior streets has been replaced with a completely new road system. This is achieved by designing extremely sharp curves in several roads, including the new second full access road with deficient radii. (please note that the actual radii is not identified but measures approximately 35 feet). Figure 4E of CONNDOT Highway Design Manual specifies that the minimum radius for a 25-mile per hour design speed to be 190 feet for a Rural Local Road.*

This item was discussed during our meeting with Mr. Galligan, and refers to the turns at the ends of several roads, such as the turn near unit 102. It is my understanding that Mr. Galligan's concern was that cars traveling on the roads would be moving too quickly, even at the posted 15 mph speed limit, to navigate the 90-degree turn. Stop signs and stop bars have been added to the plans at those turns, ensuring that automotive traffic will be moving at an even lower speed than the posted limit, similar to their actions at the interior intersections. These intersections, like the turns, have a curb radii of 25 feet, and automotive traffic capable of navigating the intersections is certainly capable of navigating the turns. The situation is the same that a motorist would encounter at a "T" intersection, except that there is only one possible turning movement instead of two.

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A signed-sealed A-2 Survey of the subject parcel was not submitted with the Application. An A-2 Boundary Survey is required of ALL Applications to the Town of Oxford Planning & Zoning Commission.

An A-2 survey has been submitted.

Comments by Mr. Galligan that Can be Addressed by Conditions of Approval

1. *Sheet 5 of 16 of the Plans states that the intersection site distance in the new second full access road (Emily Drive) to be 240 ft+. Attached please find a sightline profile looking west on Hurley Road from Emily Drive. Profile elevations are those provided on Sheet 5 of 16 on applicants Engineering Plans. The profile drawing indicates that there is a vertical obstruction within that line of sight and the sightline distance is actually 182 ft.*

The Applicant submitted "Revised Access Plan Supplemental Traffic Impact & Access Analysis" dated February 2007 by Frederick P. Clark Associates, Inc. as part of the record. That analysis states that the existing 85 percentile speed at the Hurley Road intersection to be 36 miles (see page 16). They continue to state that the "the required intersection sight distance for 40 miles per hour be used". Based on the criteria required by CONNDOT Highway Design Manual (referenced in their report) Figure 11-2C "Intersection Sight Distance", the intersection sight distance required to provide safe sight distance for a 40 mile per hour speed is 445 feet for passenger cars, 560 feet for single unit trucks and 680 feet for tractor/semi trailers.

Please also note that Nafis & Young is in receipt of a letter dated March 28, 2014 from Frederick Clark Associates, Inc. to Mr. Richard K. Freedman regarding the subject project. No mention of the deficient sight line was mentioned in said letter.

Across Hurley Road from Emily Drive is the driveway for a light industrial park; this driveway is a secondary drive that provides access to at least seven loading docks and is apparently used by truck traffic such as the single unit trucks noted by Mr. Galligan. This driveway, located almost directly across the road from Emily Drive, apparently does not suffer the same sightline deficiency as the access road for an affordable housing development. However, any sightline obstruction that may affect cars turning from Emily Drive would only hide eastbound traffic from view; cars turning right out of Emily Drive (i.e., westbound traffic) would not be in the path of travel of eastbound traffic. We are willing to accept a condition of approval that reads: "The applicant shall add appropriate signage prohibiting left turns out of Emily Drive onto Hurley Road."

Anna Rycenga, ZEO
May 5, 2014
Page 4

6. *Please provide radii at intersections to determine if they permit fire trucks to make efficient turns.*

Turning diagrams have been added at several intersections showing the turning path of a 40-foot long fixed axle truck, the largest truck in the fleet of the Oxford fire department. These diagrams show that the truck can make the turn at those intersections and, since all intersections have the same curb radius of 25', can therefore make the turn at all intersections. We are willing to accept a condition of approval that reads: "A note shall be added to the plans indicating that all intersections and turns have a 25' turning radii."

8. *Please provide sight line distance and design speed at vertical curves for all roads including the new second full access and the roads replacing the hammerheads. The (K) values for the vertical curves on the road that replaces the hammer heads do not meet the minimum values specified in Figure E of the CONNDOT Highway Design Manual for Rural Local Roads. Please indicate compliance with the CONNDOT Highway Design Manual.*

According to Steve Trinkaas in his letter of April 15, 2014, only three roads, all with posted speed limits of 15 mph, have vertical curves that do not meet the minimum K-values for 20 mph roads. The geometry of these roads can be revised to meet those K-values with only minor changes, and we are willing to accept a condition of approval that reads: "Interior roads shall be revised as necessary to ensure vertical curves meet the CONNDOT Highway Design Manual standards for 20mph Rural Local Roads."

9. *The roadway profiles terminate without identification of common intersection. Please identify intersecting roads.*

We are willing to accept a condition of approval that reads: "The submitted roadway profiles shall be revised to include appropriate labeling of common intersections."

10. *The roadway profiles for several roads, including the roads replacing the hammerheads, do not appear to have 50-foot tangent and transition vertical curves at the intersections. This results in cross-slopes of up to 9.2% in the intersecting roads. Please provide a 50-foot tangent with a grade not to exceed 5% prior to starting vertical curves.*

In the meeting of April 24, Mr. Galligan indicated that a full 50 feet was not required. We would accept as a condition of approval, "The vertical geometry on the profiles will be revised to provide, where possible without loss of lots, a 50-foot tangent at intersections for transition where the tangent grade will not be greater than 5%."

Anna Rycenga, ZEO
May 5, 2014
Page 5

11. *The drainage system pipe crossings were added to the plans during the Inland Wetlands application process. These pipes have been omitted from the Planning & Zoning application set. These are new drainage systems not included in the 2007 plans heard by the Court. Please include the piping systems that have been omitted.*

We are willing to accept a condition of approval that reads: "A detail of the drainage system pipe crossings, conforming to that approved by the Oxford Inland Wetlands Agency in its approval of December 16, 2013, shall be added to the plans."

13. *Please add a note stating that all applicable signs shall meet MUTCD Standards to Sheet 15.*

The signs currently depicted on Sheet 15 include dimensions conforming to MUTCD standards. If additional clarification is needed, we are willing to accept a condition of approval that reads: "A note shall be added to the plans indicating that the proposed signs conform to MUTCD standards."

14. *Please revise the "Typical Cross-Section of Roads on page 10 to reflect the sub base requirements of Section 98.004 of the Road Ordinance.*

15. *Please specify mix names of bituminous concrete in the Typical Cross-Section of Roads" to match common nomenclature in Connecticut and the CTDOT "816".*

We are willing to accept a condition of approval that reads: "The "Typical Cross-Section of Roads" on Sheet 10 shall be revised to reflect the sub-base requirements of Section 98.004 of the Road Ordinance using the common nomenclature for bituminous concrete mixes in Connecticut."

Comments of Mr. Miller that Can be Addressed as Conditions of Approval

4. *The letter from the Naugatuck Water Pollution Control Agency, to Mr. Steven Trinkaus, dated September 24, 2012 states that the Agency voted to accept the water usage capacity for the proposed residential development consisting of 118 units. The site plan submitted shows 124 units. The applicant needs to submit evidence of approval from the Naugatuck WPCA and the Oxford WPCA.*

Attached are minutes of the April 14, 2014 meeting of the Oxford WPCA where it voted to confirm that the requested capacity was available for this project. We are willing to accept a condition of approval that reads: "The applicant shall provide confirmation that the Borough of Naugatuck WPCA has capacity to receive the expected sewage from

Anna Rycenga, ZEO

May 5, 2014

Page 6

this development."

6. *Two parking spaces are shown to be provided per unit in the form of "pull off" spaces. The streets are narrow and on-street parking can be expected throughout the development. Although limitations on on-street parking are proposed, the applicant should provide additional information as to how that would be enforced.*

In order to ensure compliance with the State Fire Code, on-street parking will not be permitted within the development. Signage has been revised to prohibit on-street parking throughout the site, and we are willing to accept a condition of approval that reads: "The applicant shall include provisions within all leases prohibiting on-street parking."

7. *By description, the subject project is intended to house families with children. However, the site plan does not show any recreational facilities for the children. The back yards of each of individual units are small. Children in affordable housing should have the opportunity to have recreation, as other children in Oxford have.*

We are willing to accept a condition of approval that reads: "The applicant shall provide a playground or other recreational area on the site, the ground cover for which shall be pervious."

12. *There should be some safety measure provided around the steep grades of the stormwater detention areas. This is especially important given the potential child population of the area.*

We are willing to accept a condition of approval that reads: "The applicant shall install wire fence that conforms to CONNDOT standards around the stormwater detention ponds."

13. *The Oxford Board of Education will not send buses on private streets. Given the potentially long distances of many units from the closest public street, Hurley Road, many parents can be expected to drive their children to the bus pick up area. A large number of students waiting for the bus on Hurley Road would impose a potentially dangerous situation, given that there are no provisions on the site plan for a waiting area for students, or a parking area for parents.*

We are willing to accept a condition of approval that reads: "The applicant shall provide a bus shelter near Hurley Road."

Anna Rycenga, ZEO
May 5, 2014
Page 7

We believe that these revisions and conditions of approval address all outstanding issues, and remind the Commission that in an affordable housing application, if health or safety issues *can* be addressed by conditions of approval, they *must* be addressed by conditions of approval.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Caleb F. Hamel', with a stylized flourish at the end.

Caleb F. Hamel, Esq.

cc: Eugene Micci, Esq.
James Galligan, P.E.
Richard Freedman
Steve Trinkaus, P.E.
Michael Klein

CFH

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PLANNING AND ZONING COMMISSION

OXFORD, CT

May 6, 2014

received
8/29/14

Public hearing for OXFORD COMMONS, Owner and Applicant:
GARDEN HOMES MANAGEMENT, LLC, 117 Hurley Road,
Map 2, Block 36, Lot 2; Map 2, Block 36, Lot 2B
Z-14-012 – 8-30(g) Application for Site Plan Approval

Members of the Committee in Attendance:

Tonya Carver, Chairman

Jeff Luff, Vice Chairman

Arnie Jensen

Harold Cosgrove

Peter Zbras, Alternate

John Kerwin, Alternate

Also Present:

Anna Rycenga, Zoning Enforcement Officer

Brian Miller, Town Planner

George Temple, First Selectman

Kevin Condon, Town Counsel

Eugene Micci, Special Counsel

Jim Galligan, Town Engineer

Richard Friedman, Applicant

Mark Branse, Attorney for Applicant

Stephen Trinkaus, Engineer for Applicant

1 Ms. Carver: Alright, I'd like to open the
2 next public hearing. It's a continued- it's 6:00-
3 it's 7:20 P.M., it's a continued public hearing for
4 Z-14-012, Oxford Commons. Owner and applicant:
5 Garden Homes Management Corp. by Mark Branse,
6 Esquire, address 117 Hurley Road, Map 2, Block 36,
7 Lot 2 in Hurley Road; Map 2, Block 36, Lot 2B,
8 application for site plan approval of 8-30(g)
9 proposed development for manufactured housing
10 community containing 124 home spaces and
11 infrastructure. And before I forget, for the- what
12 we'll do is we'll continue having Kevin- John-

13 MR. KERWIN: Kerwin.

14 MR. LUFF: Everybody seated?

15 MS. CARVER: Yes, to keep things consistent.

16 MR. LUFF: Roll call?

17 MS. CARVER: Alright, sorry. Roll call
18 starting with Attorney Condon.

19 MR. CONDON: Kevin Condon, Town Attorney.

20 MR. KERWIN: John Kerwin.

21 MR. ZBRAS: Pete Zbras.

22 MR. COSGROVE: Harold Cosgrove, troublemaker.

23 MR. JENSEN: Arnie Jensen.

24 MR. LUFF: Jeff Luff.

25 MS. CARVER: Tanya Carver.

26 MR. ROMAGNA: Todd Romagna.

1 MR. MILLER: Brian Miller, Town Planning
2 Consultant.

3 MR. GALLIGAN: Jim Galligan, Town Engineer.

4 MR. MICCI: Eugene Micci, Special Counsel.

5 MS. RYCENGA: Anna Rycenga, Zoning Enforcement
6 Official.

7 MS. PENNELL: Jessica Pennell, secretary.

8 MS. CARVER: Alright, we have several
9 correspondences here.

10 (Ms. Carver reading correspondence)

11 MS. CARVER: That is it for correspondence. Go
12 ahead please.

13 MR. BRANSE: For the record, attorney Mark
14 Branse, representing the applicant. Initially I have
15 I guess sort of a housekeeping question. We received
16 Mr. Galligan's letter dated today, the one that you
17 just read aloud, at about noon time today from
18 Jessica Pennell, your clerk, which we appreciate,
19 but I responded with an email that I'm just going to
20 read aloud on the record. It probably arrived too
21 late to get into your record tonight. "Jessica,
22 thank you for transmitting this to us." And by this
23 I mean the letter from Mr. Galligan. "In reviewing
24 Mr. Galligan's letter of May 6th, he cites only to
25 our response of April 15th, 2014, which predated both
26 the meeting of Mr. Galligan and Mr. Trinkaus on

1 April 24th, and our written responses of May 5th,
2 2014, that is yesterday. We sent that May 5th letter
3 directly to Mr. Galligan so that he would have it
4 before the meeting tonight. Can anyone explain his
5 failure to acknowledge it? I just want to be sure
6 that there was no problem with email transmissions."
7 So I guess initial question, did the letters cross
8 in the mail because I was going to be reviewing our
9 May 5th letter, but it's not cited by Mr. Galligan? I
10 just want to make sure he got it.

11 MR. GALLIGAN: The letters crossed in the
12 mail.

13 MR. BRANSE: Okay, alright, fine. That's what
14 I was afraid of, and by the way, we had hoped to
15 have this to you Friday, and we just had some
16 scheduling problems.

17 MR. MILLER: Yeah, right.

18 MR. BRANSE: I'll be reviewing the May 5th
19 letter, and the only thing is, I did hand out a new
20 version of the same letter. It is identical to the
21 one from yesterday, but I found it difficult. Our
22 yesterday letter didn't have the comment numbers
23 from Mr. Galligan's letter, and so I had trouble
24 correlating them, so I had the numbers added. So now
25 when you look at a number in my letter of yesterday,
26 the one I handed out today, now you can look at the

1 number on Galligan's letter and you can follow it
2 more easily, but the content is identical to the one
3 we sent you yesterday. Yes, those are the copies.
4 I'm sorry, I didn't know if they'd gone around the
5 table yet. It'll just make it easier to follow.

6 MS. CARVER: There's not enough copies?

7 MS. RYCENGA: There's not enough copies so we
8 may have to share.

9 MS. CARVER: Okay, we'll share.

10 MR. BRANSE: But as I said, the content is the
11 same one you got. It was just I thought the
12 numbering- it made it easier for me, and I'm sure it
13 made it easier for you.

14 So what I'm going to do is just review Mr.
15 Galligan's initial comments and then I think there's
16 only a couple things on his new letter that we
17 didn't already address. The first one had to do
18 with- the first comment dealt with the second full
19 access now includes drainage swales, which discharge
20 onto Hurley Road. In the meeting that Mr. Galligan
21 and Mr. Trinkaus had together, Mr. Trinkaus proposed
22 to use an under drain method to avoid that
23 situation, and I understand that's acceptable to Mr.
24 Galligan, and when I finish Mr. Trinkaus is going
25 to go through and walk through the- there's one
26 sheet of the plans that changed, and he's going to

1 walk through with you some of these particular
2 changes and illustrate what he's talking about.

3 Another- it's still one, that's not a mistake.
4 Mr. Galligan's comment one had several parts. So we
5 broke it out. So it is one, one, that's really true.
6 He asked about the curb radii of the two entrance
7 roads, and we have agreed to change those to a 25
8 foot radius, which is a standard for subdivision
9 roads in the Town of Oxford, and again, Mr. Trinkaus
10 will review that.

11 Comment number two noted that the hammerheads
12 have been replaced now. They're now no longer dead
13 ends, everything is a connected road, if you will.
14 He notes that- let's see, the design, he talks about
15 the design speeds. Sharp curves, what are you
16 referring to by sharp curves? Is the plan up? Oh,
17 I'm sorry. Just the front sheet is fine. I didn't
18 think I would need this, but it may be helpful.
19 Thank you.

20 MR. COSGROVE: Excuse me, can you see it
21 because I can't?

22 MR. BRANSE: And you're the ones who need to
23 see it.

24 MS. RYCENGA: Thank you.

25 MR. BRANSE: The members of the public can
26 come around. What Mr. Galligan is describing is,

1 here, it's basically a 90 degree here, and also down
2 by lot 35. I shouldn't say here. By lot 35, by lot
3 102, by lot 90, by lot 47, it's basically like a T
4 intersection, but it's not a T, it's an L, and those
5 are what Mr. Galligan is referring to as curves, and
6 I think he has a point. He's saying that they appear
7 to be curves and yet they're 90 degrees. What Mr.
8 Trinkaus suggested on the April 24th meeting, was
9 that we treat these as intersections. We treat these
10 the same as the way we've treated, for example, the
11 intersection at lots 80, 91, 34 and 30, by putting
12 stop bars and stop signs. So that it becomes like an
13 intersection. You're not going around a curve, you
14 stop, you take a left turn or a right turn, and by
15 putting stop bars in both directions. So whichever
16 way you approach that L, there would be a stop bar.

17 MS. CARVER: One question, attorney, may I ask
18 a question?

19 MS. BRANSE: Yes.

20 MS. CARVER: So how many stop signs or stop
21 bars are going to be-- how many would we have within
22 the place? Are we talking five, six?

23 MR. BRANSE: I'd have to count them up. It
24 looks to me like there's, one, two, three, four, I
25 see five locations where that condition exists.

26 MS. CARVER: So all together how-- the whole

1 entire area will have six stop signs, six areas
2 where people will have to stop?

3 MR. BRANSE: I think it was five. Basically
4 when you come to one of these spots, one of these
5 places where there's that- like I said, look at, for
6 example, look at 97 and 38. See, you come there,
7 that's a T, and you stop and you go right or left.
8 Well, you'd have the same thing at 102. You'd stop,
9 but you'd have to go right. That's the only
10 direction you can go, and that is really the same
11 situation you have today at Donovan and Hurley
12 Roads. It is virtually a 90 degree angle, except
13 there is no stop sign, there's no curve sign,
14 there's no slow, there's nothing. I think that might
15 be a hundred degrees, but when you approach that
16 intersection it looks visually like a 90- it looks
17 exactly like one of these, but that is a through
18 town road that serves truck traffic from this entire
19 corporate park. So certainly having on these-

20 MR. KERWIN: What road are you referring to?

21 MR. BRANSE: Hurley and Donovan.

22 MR. KERWIN: Is that part of the application?

23 MR. BRANSE: I'm sorry, what?

24 MR. KERWIN: Is that-

25 MR. BRANSE: It looks like a pre-existing
26 condition to me. It looks like it's already there.

1 MR. KERWIN: Oh, we didn't approve that?

2 MR. BRANSE: You wouldn't have approved it,
3 no. It's there, it's already there, and it shows as
4 a T, but it's not. That section of Hurley road is
5 impassible. It's a goat path. So basically you
6 approach, and you have a 90 degree turn with no stop
7 sign, and even though the commission didn't approve
8 it, the town certainly could have installed a stop
9 sign or a curve sign or a slow sign, and hasn't. So
10 apparently it's not that big of a problem. So it
11 certainly wouldn't be a problem at roads that are
12 posted at 15 miles an hour speed limit, where
13 really only the residents of this development are
14 going to be driving around. I mean, you may have a
15 delivery truck or something, but basically this is
16 the residents circulating within this development.
17 So we think that the stop sign approach responds to
18 the concern that Mr. Galligan expressed about these
19 points where you have these curves or intersections
20 or whatever you want to best call them.

21 His next comment was that all applications
22 require an A-2 survey. I don't know if- he doesn't
23 cite to a regulation. I guess that's a custom. Be
24 that as it may, we submitted multiple A-2 surveys in
25 connection with our wetlands application, and I've
26 requested today that Ms. Rycenga just pull one of

1 those out and put it into your file. I know that Mr.
2 Galligan already has the A-2 survey because he was
3 the review engineer for wetlands. So that is
4 something that is in your files, has been all along,
5 and if you need it for record purposes, we just
6 pulled out an extra one.

7 MS. RYCENGA: The request has been made, but
8 I've not received it yet.

9 MS. CARVER: Okay, thank you.

10 MR. BRANSE: So those are items that we
11 respond to there. The rest of his comments I'm going
12 to address by reference to things that can be
13 conditions of approval. As the commission may recall
14 from the first public hearing, that I sort of laid
15 out the ground rules for an 8-30(g), in a situation
16 like this, if something can be addressed by
17 condition of approval, it must be addressed by
18 condition, and the rest of Mr. Galligan's comments
19 can be addressed by conditions, and I'll review what
20 those are.

21 Again, the number one is correct, because
22 his comment one had multiple parts. He talks about
23 the- let's see, about the sightline issue, and we
24 just want to point out that the Emily- he's talking
25 about Emily Drive, by the way, right here. He's
26 saying that that does not have adequate sightline.

1 That driveway comes out almost directly opposite an
2 existing driveway serving the industrial and
3 warehouse park directly across Hurley Road from this
4 development, and I was to submit on the record two
5 aerial photographs that show the location of that-
6 of both of those driveways actually. You'll see them
7 on this plan. They're shown one there, one there.
8 Both of them just about directly opposite our
9 proposed access drives, and you'll see that these
10 serve rather large corporate facilities, industrial
11 parks that use heavy amounts of truck traffic. Now
12 this is just Google photos.

13 MS. CARVER: And those were taken- for the
14 record, when were they taken so she knows.

15 MR. BRANSE: They're Google photos. They're
16 just- I mean, I know the commission is familiar with
17 the area.

18 MS. RYCENGA: The Google aerial maps are 2006.

19 MS. CARVER: Okay, so it's 2006. Okay.

20 MR. BRANSE: And we also have another
21 photograph taken this afternoon, by the way, that
22 I'll be getting to. The response that we have to
23 that, that we've mentioned to this commission
24 before, is that we would be glad to post Emily Drive
25 with a sign that says left turn only. This would
26 eliminate that problem with the sightline, which is

1 only- the sightline problem is only from the west.
2 That's where that hill is. Also, of course I want to
3 remind the commission that same sightline condition
4 exists for the industrial park that's in those
5 photographs that uses the tractor trailer trucks and
6 has employees and all the rest of that kind of very
7 heavy traffic that a residential area would not
8 have. Mr. Trinkaus has suggested the left turn only
9 sign, and we discovered that we were not the first
10 to have this idea. A photograph is already in your
11 record. That existing driveway directly opposite
12 Emily Drive, already has a sign posted now that says
13 all trucks, and directs them to take a right, which
14 is the direction that our left turn, no left turn-
15 it would be the same thing. So if this sign works
16 for trailer trucks and other kinds of traffic of
17 that kind, it certainly would work for us, and you
18 can see that sign. It's a little harder to see, but
19 in this photograph that little white thing, that's
20 the back of that sign that I just showed you. So
21 this is Hurley Road here. There's that driveway
22 coming out from the industrial park.

23 I'm sorry, Mr. Kerwin?

24 MR. KERWIN: I'd like to see that? I don't
25 know what he's-

26 MR. BRANSE: I was going to pass them around. I

1 want to show them to everyone first.

2 MR. KERWIN: This is a wooden sign?

3 MR. BRANSE: That's the sign as you exit the
4 corporate part and this is Hurley Road, and you see
5 right there? That's the- it's brown on this side;
6 it's white on the backside. That just sort of gives
7 you an idea of where it is on the intersection.

8 MS. CARVER: And for the record those are
9 taken?

10 MR. BRANSE: Those were taken at 5:00 today.

11 MS. CARVER: When we finish can we pass them
12 over to Anna please?

13 MR. BRANSE: I think they've already seen
14 them.

15 MS. CARVER: Oh, they already saw them? Okay,
16 thank you.

17 MR. BRANSE: So that can be a condition of
18 approval, and the condition as we propose it is: The
19 applicant shall add appropriate signage prohibiting
20 left turns out of Emily Drive onto Hurley Road. I
21 would also point out, that that's the direction- you
22 know, people will be going right anyway. I don't
23 think most people would be taking a left turn
24 regardless.

25 MR. MILLER: Could I respond to that?

26 MR. BRANSE: Certainly.

1 MR. MILLER: Why wouldn't they be taking a
2 left turn if that's the easy way out to I-84?

3 MR. BRANSE: I don't think it is.

4 MR. KERWIN: How are you going to enforce that
5 though?

6 MR. MILLER: Wait, wait, wait.

7 MR. BRANSE: It would be-- I guess it's
8 enforced the same way as the sign that's directly
9 across from our intersection.

10 MR. CARVER: John, Brian's got the floor. I'm
11 sorry.

12 MR. MILLER: You just said, it's not the easy
13 way to I-84 to make a left turn there?

14 MR. BRANSE: You can go right or left.

15 MR. MILLER: Okay.

16 MR. COSGROVE: That puts you right out onto
17 188.

18 MR. MILLER: Okay, alright, thank you.

19 MR. BRANSE: The question on enforcement, it's
20 a sign directing people just like with the truck
21 traffic saying go right. I guess people can go left.

22 MS. CARVER: I'm going to let John ask his
23 question. Commissioner, yes?

24 MR. KERWIN: Thank you. The wooden sign has no
25 legal force or effect. I'm still a little puzzled as
26 to why it's in the record. I mean, it's a picture of

1 a sign.

2 MR. BRANSE: Oh, it's in the record because
3 this is the driveway that's directly across from our
4 proposed driveway.

5 MR. KERWIN: So my question before was--

6 MR. BRANSE: So this commission approved two
7 driveways for a large industrial park in exactly the
8 location where ours are. Somehow or other this
9 sightline problem did not occur with tractor trailer
10 trucks and warehouses, but is a problem with
11 affordable housing.

12 MS. CARVER: Excuse me. Number one, this is a
13 different application. Let's not confuse an
14 application that's been done by another commission.
15 This is still one application.

16 MR. BRANSE: Same road, same driveways.

17 MS. CARVER: But let's consider it. This is an
18 application for residential. That's an industrial.
19 So you have a lot more people coming.

20 MR. BRANSE: The industrial involves heavy
21 traffic.

22 MS. CARVER: Let's consider this. We have a
23 valid point. We have issues. So let's just consider
24 what we have in front of us if that's okay.

25 MR. BRANSE: And our engineer's response is, a
26 sign that says no left turn. This commission denied

1 our first application because there was only one
2 point of access. We have now provided two full
3 points of access as ordered by the judge's remand-

4 MS. CARVER: The judge ordered-

5 MR. BRANSE: And if I may finish.

6 MR. CARVER: -one out of Hurley, and not two
7 out of Hurley.

8 MR. BRANSE: I don't agree with you.

9 MS. CARVER: So don't go to the judge. That's
10 what the judge said.

11 MR. MILLER: No, that's not what the judge
12 said.

13 MR. BRANSE: But I'm sure we'll play this
14 argument out somewhere else, but I guess-

15 MS. CARVER: Excuse me, sir. You don't have
16 the floor. Please.

17 MR. BRANSE: So let me resume the floor, which
18 is, this commission denied because there was only
19 one way out. The judge ordered two full- not one
20 and an emergency, but two full. This commission
21 already heard testimony, not from us, by the way,
22 that there's a nonaccess line along Oxford Airport
23 Road. So you cannot go out Oxford Airport Road, and
24 Donovan is all wetlands. It's a large swamp and
25 marsh. So you can't go out that way. So the only
26 possible place where two full points of access could

1 be, is Hurley Road. That's the only possible point.
2 So when Judge Pickard remanded this with an order
3 for two full points of access, it could only have
4 been Hurley Road. There is no other possible
5 location. I believe you have a question.

6 MS. CARVER: We'll let the commission answer
7 after he's done because I know there's a lot of
8 questions.

9 MR. BRANSE: If there's a question I'm happy
10 to respond to it.

11 MR. KERWIN: Just so I understand your point
12 about signage. You're suggesting basically a
13 request. I mean there's no real legal force, they're
14 not approved signs by the department of- So your
15 response with respect to the signage issues is put
16 up this request to turn left basically.

17 MR. BRANSE: A sign, it will say left turn
18 only.

19 MR. KERWIN: Please turn left.

20 MR. BRANSE: Yeah.

21 MR. KERWIN: Turn left, but it really has no
22 effect.

23 MR. BRANSE: I don't think it's correct to say
24 it has no effect.

25 MR. KERWIN: Well, it can't be enforced by the
26 police.

1 MR. BRANSE: Neither can the truck sign that's
2 there now.

3 MR. KERWIN: We're not talking about the truck
4 sign.

5 MR. BRANSE: I am, I'm talking about it.

6 MR. KERWIN: That's a different application. I
7 don't even know if we approved that. So forgive me,
8 I have no idea about the truck sign. It's a picture
9 that you took this afternoon. I don't even know
10 where it is, and-

11 MR. BRANSE: That's why I did two photos
12 showing its location.

13 MR. KERWIN: Yeah, and I don't even know if it
14 was contingent on any application, and frankly, with
15 trucks, there is a higher line of sight, and that's
16 a completely different issue, but I'm just concerned
17 about your response to the signage issue, that you
18 would put up a sign requesting people to turn left.
19 Is that correct?

20 MR. BRANSE: It would say-

21 MR. KERWIN: It would say turn left.

22 MR. BRANSE: Wait a minute, yes. No,
23 prohibiting left turns.

24 MR. KERWIN: Prohibiting left turns, but it
25 wouldn't have the ideal- you know, approved by a
26 municipality or-

1 MR. BRANSE: It would be a private sign. A
2 private sign because it's a private road. Okay?

3 MS. CARVER: Thank you. Yes, Harry?

4 MR. COSGROVE: I'd just like to refute what
5 was stated by the attorney that the industrial road
6 and his potential road of where he's going to come
7 through, they are definitely not opposite each
8 other. They are definitely not opposite because the
9 road was marked, and they are not opposite. There's
10 maybe ten feet, twenty feet, whatever. The advantage
11 to the industrial driveway is the fact that it's up
12 that much higher and then you can see over the ridge
13 better than you are down into the, quote/unquote,
14 valley of where their potential driveway is going to
15 be. I just want to get that clear.

16 MS. CARVER: Thank you. For the record, we
17 will keep that.

18 MR. BRANSE: The plan does show there's a
19 slight offset. Ten feet sounds correct to me,
20 commissioner. I think that sounds right.

21 MR. COSGROVE: Yeah, but it's not opposite
22 though. I just want to clarify.

23 MR. BRANSE: But it is not correct that they
24 are higher. That is not true. I was just there. It
25 is as flat as—

26 MR. COSGROVE: It's higher.

1 MR. BRANSE: As flat as can be. It is
2 absolutely flat. So in ten feet it doesn't rise more
3 than inches if that. It's only ten feet difference
4 as he himself has pointed out.

5 MR. ZBRAS: I was up there and I took some
6 pictures of Hurley Road. This might put some light
7 on what the discussion is if you're interested.

8 MS. CARVER: Do you mind if he--

9 MR. BRANSE: If you're going to be referencing
10 them, they have to be in the record.

11 MS. CARVER: Yes, so we will--

12 MR. ZBRAS: Would you like them?

13 MS. CARVER: Sure, submit for the record,
14 while we're on this subject. We'll make sure you get
15 a copy. And when were they taken, Pete?

16 MR. ZBRAS: Around 4/20- 4/23 I believe it was
17 and May 1st.

18 MR. CONDON: Madam Chairman, if I may?

19 MS. CARVER: Yes.

20 MR. CONDON: Attorney Branse should be allowed
21 to put his presentation forward and then at which
22 point then the commission should address any and all
23 issues that may arise as a result of his
24 presentation.

25 MS. CARVER: Yes, I would agree. Thank you for
26 bringing that. So let the applicant finish with

1 their presentation then we'll go back to the
2 commission.

3 MR. BRANSE: Thank you very much. Just take a
4 special look at photo 11 because that's a good one.

5 Alright, let me continue through the comments
6 by the numbers. Comment number six from Mr. Galligan
7 was, provide radii at all intersections. Mr.
8 Trinkaus will be addressing this. He's going to
9 show that we did obtain the information from your
10 fire chief as to what your largest vehicle is. We've
11 got the manufacturer specs. We did the template. We
12 checked the template. All of these intersections can
13 take that equipment. It should be a 25 foot radius,
14 and so in my letter we have said we're willing to
15 accept a condition that reads, and I quote, "A note
16 will be added to the plans indicating that all
17 intersections and turns shall have a 25 foot turning
18 radii". Mr. Trinkaus indicates they already were,
19 but since they weren't labeled, that's just a
20 clarification that we don't object to.

21 Comment 8 provides sight distances at the
22 interior base of- I'm not reading it verbatim-
23 intersection roads. Mr. Trinkaus did address that in
24 his April 15th letter, but he feels that minor
25 changes to a couple intersections would address that
26 concern. So we would agree to a condition of

1 approval that says, and I quote, "Interior roads
2 shall be revised as necessary to ensure vertical
3 curves meet the ConnDot, highway design manual
4 standards, for 20 mile per hour rural local roads".
5 There doesn't seem to be any dispute about the
6 standard. Mr. Trinkaus thinks they're all pretty
7 close. If they aren't, we'll change them.

8 Comment 9, the roadway profiles terminate
9 without identification of common intersection. I
10 have to tell you honestly, I don't know what that
11 means, but apparently engineers do, and we would
12 accept a condition of approval that reads, quote,
13 "The submitted roadway profiles should be revised to
14 include appropriate labeling of common
15 intersections."

16 Comment 10 has to do with roadway profiles.
17 Apparently at the meeting between Mr. Galligan and
18 Mr. Trinkaus, they agreed that the full 50 feet
19 wasn't always needed for this. Again, Mr. Trinkaus
20 will have to explain what this means, because I
21 admit freely I don't know, but we would agree to a
22 condition of approval that says, the vertical
23 geometry on the profiles will be revised to provide
24 where possible without loss of lots, a 50 foot
25 tangent at intersections for transition where the
26 tangent grade will not be greater than 5 percent.

1 And again, if you want to know what that means,
2 you'll have to ask Mr. Trinkaus or Mr. Galligan
3 because I don't know. My understanding is the 50
4 foot was not a rigid requirement. It was more of a
5 target that Mr. Galligan expressed. That's why I put
6 the condition that way.

7 Condition 11 had to do with pipe crossings.
8 This was something that apparently was shown on the
9 wetlands plans, but not the set that was submitted
10 to P & Z. We did not repeat all the data of the
11 wetland plans because that tended to be more heavily
12 into the drainage side of things, if you will, but
13 it's mature, we've already submitted, we've already
14 agreed to, we're already bound to by the wetlands
15 permit. So we would agree to a condition of approval
16 that states a detail of the drainage system pipe
17 crossings conforming to that approved by the Oxford
18 Inland Wetland Agency in its approval of December
19 16th, 2013, shall be added to the plans, and like I
20 said, that already exists. It just isn't in your
21 set.

22 Comment 13 was, please add a note that says
23 all signs shall meet MUTCD standards. That's fine
24 with us. We agree to a condition of approval, a note
25 shall be added to the plans indicating the proposed
26 sign shall conform to MUTCD standards. That's

1 something we can do.

2 Comment 14 and 15, I'm going to pair
3 together. They talk about the typical cross section
4 of the roads and the bituminous mix. That's
5 basically a spec that Mr. Galligan is asking us to
6 add to the plan, and that's fine. We agree to a
7 condition that says, the typical cross section of
8 roads on sheet ten shall be revised to reflect the
9 sub-base requirements of section 98.004 of the road
10 ordinance using the common nomenclature for
11 bituminous concrete mixes in Connecticut. And I just
12 want to point out, we're not bound by a road
13 ordinance because these are interior roads, and
14 because it's an 8-30(g) application, but we're
15 willing to agree to that. It's not a problem.

16 Then there were some comments from Mr. Miller
17 that we can also address by conditions of approval.
18 There was the letter from the Naugatuck Water
19 Pollution Control Agency. You've already read in the
20 record that there are minutes from April 14th, 2014.
21 We have provided those to you, that the sewer
22 capacity does exist and we're willing to have a
23 condition that says the applicant shall provide
24 confirmation that the Bureau of Naugatuck, WBC, has
25 capacity to receive the expected sewage from the
26 development, but like I say, you already have that,

1 but it can be a condition of approval.

2 Comment 6 from Mr. Miller had to do with
3 parking, and that actually correlates to a comment
4 that you received from your fire marshal, who said
5 he wanted 20 foot unobstructed width on the roads.
6 So we'd agree to a condition, the applicant shall
7 include provisions within all leases prohibiting
8 on-street parking. Mr. Trinkaus will also show that
9 one of the things we've added to the plans are no
10 parking signs on all streets.

11 Comment 7 from Mr. Miller was- had to do with
12 that there would be children, but there are no
13 recreational facilities. That's true, but we would
14 accept a condition of approval which is, the
15 applicant shall provide a playground or other
16 recreational area on the site. The ground cover for
17 which shall be pervious, and we say that so as not
18 to throw off the drainage calculations. So we're
19 willing to do a condition. There are spots where
20 we could put a small playground, and we can accept
21 that as a condition of approval.

22 Comment 12 from Mr. Miller had to do with the
23 steep grades around the storm water detention areas.
24 He fears that a child might fall into the detention
25 ponds. I'll point out, these ponds are only wet, if
26 ever, for a couple hours and only in a major storm

1 event. I mean a hurricane or something really
2 serious, but not worth arguing about. We would
3 accept a condition of approval, the applicant shall
4 install wire fence that conforms to ConnDot
5 standards around the storm water detention ponds.
6 The reason I specify the ConnDot, if it's good
7 enough to keep people out of interstates, it should
8 be good enough to keep people out of a detention
9 pond.

10 Comment 13, Mr. Miller points out that your
11 board of ed will not send buses down private
12 streets, and these are private. So he feels that
13 people will tend to drop their kids off or have
14 their kids picked up at the Hurley Road
15 intersection, one of them or the other. Presumably
16 the one for Oxford Commons West, and we are willing
17 to install a bus shelter. So we would agree to a
18 condition of approval that reads, the applicant
19 shall provide a bus shelter near Hurley Road.

20 So I think that addresses items that can be
21 repaired by condition from both Mr. Miller and from
22 Mr. Galligan. A couple of other new items today,
23 with regard to Mr. Galligan's letter that we
24 received today at about noon time, he again talks
25 about the sightline. I would point out that- and
26 I've addressed that already. I'm not going to

1 address that again. His second item he has, has to
2 do with the four inch diameter underdrains. I
3 believe that's a reference to the underdrains at
4 the swales. Here, Mr. Galligan? Okay, and Mr.
5 Trinkaus will address that. That's something that
6 you and he I know did agree on. You just haven't
7 seen it yet.

8 The other item he had was with regard to
9 roadway geometric design and he cites this document,
10 Madam Chairman, that you also cited to. His policy
11 on geometric design of highways and streets. I want
12 to point out, first of all, this document is not an
13 Oxford regulation, as if we were subject to it
14 anyway. It's not a State of Connecticut. It's
15 published by the American Associates of State
16 Highway and Transportation Officials, and I have no
17 idea who that is, but even leaving aside who that
18 is, the fact that's being cited to by Mr. Galligan
19 says in bold type, designed for rural highways,
20 urban freeways, and high speed urban streets. I
21 hardly think that is a standard to be applied to
22 interior driveways in a mobile home park. So we
23 respectfully suggest that that is a standard, but to
24 our knowledge Oxford has never applied before. It's
25 not a Connecticut standard. I was sort of reminded
26 of the Westland Commission where when we

1 demonstrated compliance with the Connecticut Storm
2 Water Quality Manual, that is published by the
3 Connecticut Department of Energy and Environmental
4 Protection, Mr. Galligan then cited to Storm Water
5 Quality manuals from Idaho, New Jersey, and I think
6 Michigan. That is stretching a bit. So I think when
7 we start reaching for the American Association of
8 State Highway and Transportation Officials for rural
9 highways, urban freeways, and high speed urban
10 streets, we're kind of scratching the bottom of the
11 barrel at that point.

12 The other letter that we just received, I want
13 to address that. That's the one from the Oxford
14 Ambulance Association. First, I want to comment on
15 the timing to his letter. This application was filed
16 with this commission February 28th. Public hearings
17 were held on April 1st, April 15th, and again
18 tonight. Your fire marshal already did a review. He
19 found no issues with the separating distances and
20 all the other things that are addressed in this
21 letter. This letter arrived here at 5:00 today. It
22 does seem to me that if the Oxford Ambulance
23 Association were as concerned as they seem to be,
24 they might have participated a little bit earlier in
25 the process, and it's hard not to feel like
26 somebody's trying to ambush us with this.

1 Fortunately it will not work.

2 Just to review the claims of this letter, it
3 says that there could be a problem if both access
4 points are blocked. Well, yes, I suppose if there
5 were three of them there could be a problem if all
6 three were blocked or four or five or a dozen. The
7 remand from the Court was two full points of access,
8 and we have two full points of access. So with all
9 due respect to the ambulance association, we are in
10 compliance with the remand, and that comment is pure
11 speculation as to what would happen if multiple
12 places were blocked.

13 He talked about snow removal. We have provided
14 for snow removal. It is New England. I don't know
15 what your snow removal requirements are elsewhere,
16 but it will sometimes snow, and sometimes the roads
17 will be narrower, and they will have to be plowed.
18 The idea that only affordable housing- it's as if
19 the snow only falls here. Snow falls everywhere and
20 that's just really a bogus comment.

21 He talks about parking. We have provided
22 adequate parking. We've gone through that before.
23 We're posting the streets no parking, which was the
24 request of the fire marshal. I don't think there's
25 much to be said about that. It's also outside the
26 scope of the remand.

1 He says the units are close together. They
2 comply with the setbacks, first of all, of the
3 zone. The zone requires a 20-foot setback for mobile
4 home parks. That's the zoning text that Judge
5 Pickard ordered this commission to adopt in which
6 you did adopt. So the setback between units conforms
7 to the regulation that this commission adopted. It
8 also conforms to the state fire code, and one of the
9 reasons for this is, because mobile manufactured
10 homes are actually more fire resistant than stick
11 built homes. They are safer than stick built homes
12 in terms of fire resistance. So we comply with the
13 fire code. Mr. Schwab may feel they're close
14 together. I certainly respect his opinion, but it's
15 not an expert opinion, it's not a statement of code
16 or requirement or anything else.

17 He talked about 117 and 118. That's right
18 here. They're two units where you'd go to the end
19 and you can turn around. I really don't know what
20 he's saying. So he says add an additional access
21 point on the Oxford Airport Road. As we've
22 indicated, that is a state nonaccess line, and
23 you've already been told, you've been told there's a
24 chain linked fence. Former commissioner Stocker
25 testified to this commission, showed you photographs
26 in fact of that chain linked fence that marks the

1 nonaccess line for Oxford Airport Road.

2 He says increase the parking. No. Increase a
3 road size larger than standard road spec. The
4 purpose of 8-30(g) is to allow greater flexibility
5 for affordable housing, but Mr. Schwab is saying,
6 let's have wider roads for this than others. No. It
7 says increase the turning radius. We're putting them
8 at 25. That's your subdivision regulation. That's
9 what's been recommended. That's what we're doing. We
10 do not need a cul-de-sac for essentially one unit.
11 He says 117 and 118, but 118 is still at the
12 intersection. We're not going to add a cul-de-sac
13 for one unit. That's absurd. He says increase
14 distance between units because he thinks it's a good
15 idea. That's fine, but the fire code doesn't agree
16 with it.

17 And with that, I'm going to turn it over to
18 Mr. Trinkaus to review the changes that he made and
19 I've alluded to them, and he also may be able to
20 explain some of the things that I couldn't.

21 MR. KERWIN: Can I just ask a question?

22 MS. CARVER: No, afterwards. Let the applicant
23 finish the application, then we'll go to the
24 commission.

25 MR. TRINKAUS: For the record, Stephen
26 Trinkaus. I'm a licensed professional engineer with

1 an office in Southbury, Connecticut, representing
2 the applicant, Garden Homes. As Attorney Branse
3 pointed out, we took the two radii at the
4 intersection of Oxford Commons West and Emily onto
5 Hurley Road, and went from 10 foot to 25 foot, which
6 is typical for any residential road in the Town of
7 Oxford and many Connecticut communities. All of the
8 internal intersections also have 25 foot inside
9 radius' so they're all the same. As he pointed out
10 on these 90 degree corners, the radius is 25 foot on
11 the inside, but we will have a stop sign, stop bar.
12 So we'll treat it as effectively half of a T
13 intersection so that each car will stop there. All
14 of the internal intersections, where it's a 90
15 degree T intersection or an X intersection, these
16 will be fully controlled with stop signs. So it's a
17 four-way stop and there's probably hundreds of four-
18 way stops in Oxford and the neighboring communities.
19 Because it's a stop sign controlled intersection,
20 you don't need sightline because every vehicle is
21 stopping at that particular point.

22 Concerning the tangent issue with Mr.
23 Galligan, it's a relatively flat section of grade
24 as you come into an intersection, to have two cars
25 basically to be able to cue on relatively flat
26 grade, and 5 percent is over 50 feet, is only two

1 and a half foot change in grade. Many of the grades
2 on these roads are less than three percent. So
3 they're very flat intersections at this point. What
4 Jim asked us to do on the profiles was to extend
5 them beyond just the end of the profile to show the
6 center line from one road to the gutter line, and
7 then the new road starting. So that's really just a
8 drafting issue to clarify the grades at that
9 particular point.

10 We took the specifications from the fire
11 marshal for the fixed axle fire truck. It's
12 basically a 40-foot long vehicle, basically a 20-
13 foot wheelbase between the front wheel and the rear
14 axles, about six feet in front and about eight foot
15 in the rear. We then got a template online that fits
16 that wheelbase, and on the plans that we're
17 submitting tonight, we show that template, and it
18 shows effectively 180 degree curve, but obviously it
19 shows the 90 degree part that through all of these
20 intersections that truck can make that turn, and it
21 stays within the travel lane and that's the way it's
22 supposed to. The inside radius of this fire truck
23 is- the tightest radius is the rear axle, which is
24 19 foot. We have a 25 foot radius. So we have a
25 radius that exceeds that particular requirement, and
26 we've shown them, you know, several of the templates

1 throughout the site to give you a representative
2 view. We've shown them coming in off Hurley Road
3 also. So the fire truck can get in and out of this
4 site just as any other residential road.

5 The two drainage swales, the two bioswales
6 that go from the southern end of the development
7 that came out onto Hurley Road, we've ended them at
8 our property line and it's very level, both of
9 these road. It's about one to two percent. So in
10 order to prevent water from discharging onto Hurley
11 Road, the bioswale, which has a sand medium mix in
12 it, has a little gravel there at the bottom,
13 there'll be a four inch pipe that will then just run
14 back to catch basins that are here that go into a
15 detention basin in this vicinity. So any water that
16 does not infiltrate into the native soils, if it
17 does reach up enough where it will flow in the
18 underdrain, it will convey the flow back to the
19 catch basin and not onto Hurley Road. So there is no
20 discharge at that point.

21 Any specific points you'd like me to address?

22 MR. BRANSE: You talked about the signs.

23 MR. TRINKAUS: Yes, throughout the park we
24 originally were going to have parking on one side of
25 the street, but with the fire marshal saying we
26 needed to have full, all of the signs where it said

1 parking this side only, have become no parking signs
2 throughout the site, in addition to children at play
3 signs. I can tell you that all of these signs, the
4 12 by 18 or 18 by 24, and 24 by 24 for a stop sign,
5 they do meet the MUTCD standards. This is the
6 standard signs that you see on any road in the Town
7 of Oxford or elsewhere. I think Jim's concern was,
8 and he relayed this at the meeting, he had a project
9 where the developer painted his own homemade stop
10 sign quite smaller than that, and felt that was
11 adequate. So we can add a note to that effect. So
12 we've addressed those issues.

13 And again, there are two vertical curves here
14 where we do not meet what is termed a K value for a
15 vertical sight distance over the crest of the hill,
16 and the vertical curves simply have to get elongated
17 by about 20 or 30 feet. That's all it takes to
18 change the K value for this. Sag vertical curves
19 are not an issue because obviously as you're going
20 down you can see completely across as all of these
21 roads are straight. So you can see down the entire
22 length of the road.

23 I would also concur with Attorney Branse the
24 AASHTO standards, which is actually I believe a
25 federal document, you know, talks about rural
26 highways. Well, these are not rural highways, and

1 also, the super elevation issue is when you tip the
2 road from one side to the other, and that's what
3 keeps-- on interstates that's what keeps you in the
4 lane when you go around a curve, centrifugal force.
5 Residential roads always have a crown to them. So
6 you've got a pitch on either side, but if you had a
7 sweeping turn here, you would still have a crown on
8 it. You'd have likely a radius of maybe a hundred
9 feet, but we don't have sweeping curves here. So
10 that AASHTO standard is not applicable to this
11 standard. Also, there's a more recent document in
12 '04 that AASHTO put out called low volume roads,
13 which actually says for 400 vehicle trips per day,
14 you could have 18 foot wide roads in here and be
15 safe, and this is a federal document. So there's
16 more recent information out there as far as--

17 MS. PENNELL: Excuse me Mr. Trinkaus, the
18 tape has stopped. Okay? Sorry.

19 MR. TRINKAUS: That's okay.

20 MR. BRANSE: Does he need to back up?

21 MS. PENNELL: No, you're good. Go ahead.

22 MR. TRINKAUS: So there is a much more recent
23 document, but I concur with Attorney Branse that,
24 you know, what it's talking about is apples and
25 oranges to what we have here. These are residential
26 private roadways. They're also a linear system,

1 north and south basically, east and west to T
2 intersections, and we don't have sweeping curves
3 where you're going, you know, be sweeping around. So
4 we basically have controlled intersections
5 throughout the site.

6 On this plan, which we have copies of, is a
7 detail of the little portion of the swale here with
8 the underdrain on it. It's also on one of the other
9 profile sheets as part of the plan set, but we did
10 this. I also spoke with Anna this afternoon and I
11 will provide- she asked for one full set of plans
12 and I had email difficulties sending large files
13 this afternoon. So I will get one full set of the
14 plans, which are all the same sheets that you
15 already have with this one simply bound into it and
16 will provide it to her tomorrow if that's acceptable
17 to the commission.

18 MS. RYCENGA: Madam Chair, if I may, we did
19 speak of that, and that is acceptable however, I
20 need the date and sheet number of reference of these
21 plans for the record please.

22 MR. TRINKAUS: This one is sheet number 15 of
23 18. The original date is February 7th, 2014, revised
24 to April 27th, 2014.

25 MS. RYCENGA: Thank you.

26 MR. BRANSE: The only other thing I was going

1 to address that I'm not sure if I addressed
2 initially, was in Mr. Galligan's letter today.

3 MS. CARVER: Do you want to just state your
4 name for the record?

5 MR. BRANSE: Yes, sorry, Mark Branse, for the
6 record. Mr. Galligan talked to you about the
7 definition of driveways versus private roadways in
8 the zoning regulations, we're only bound by section
9 6-A of the zoning regulations. So the roads are
10 what- section 6-A is the section that Judge Pickard
11 ordered the commission to adopt. That's the one
12 we're under. The roadways are what they are. We can
13 call them driveways, we can call them interior
14 roadways. You can call them whatever you want to
15 call them. We acknowledge that the town will not
16 maintain them. We acknowledge that we will have to
17 maintain them. So I don't know what terms you want
18 to use to describe them, but it will be up to us to
19 plow them and patch them and whatever else is
20 required.

21 And at this point we're open to questions. I
22 know that you have the public to speak and questions
23 from the commission.

24 MS. CARVER: If I may suggest, Attorney,
25 before we continue on, there is a good amount of
26 information that I know I'll need to soak in and

1 probably the rest of the commission members would
2 too, and we will continue with them because I see
3 there's a lot of people, that they still would like
4 to talk. Would you be- would it be possible to
5 continue this for May 20th?

6 MR. BRANSE: I'm afraid not. First of all,
7 I'll be out of the country myself. I won't be here,
8 but also, all that we're providing to you is
9 responses from what we heard from Mr. Miller and Mr.
10 Galligan. It's all engineering stuff, and I don't
11 think it's- I just don't think there's anything
12 there that bears on the remand or that bears on
13 substantially adverse interest in public safety.

14 MS. CARVER: Alright, we will open to the
15 commission.

16 MR. KERWIN: I thought we'd start
17 sequentially.

18 MS. CARVER: Alright, John, go for it. We're
19 going to start at your end.

20 MR. KERWIN: I just have a couple of
21 questions, sir, just on some of your comments today.
22 The first one I wanted some clarification on. You
23 said that under 8-30, the statutory-

24 MR. BRANSE: 8-30(g).

25 MR. KERWIN: I know, I have it right here,
26 thanks. Under 8-30(g) you said that where the

1 commission can either deny or is required to deny
2 with conditions, and you said something about- I
3 thought that's what you said and that confused me,
4 because I don't see that, where there's I think a
5 conditional approval. You said we can either deny or
6 we're required to approve conditionally. You talked
7 about that and I didn't understand your comments,
8 because it doesn't seem to conform with the statute.

9 MR. BRANSE: Oh, it's there all right.

10 MR. KERWIN: Well, tell me which statute
11 you're citing specifically?

12 MR. BRANSE: Sure. 8-30(g)-

13 MR. KERWIN: Not the highlighted section- the
14 next section down.

15 MR. BRANSE: Yeah, it actually-

16 MR. KERWIN: (h) I think it is. It says that
17 we can deny- reject an affordable housing
18 application- I'm reading, for the record, from
19 subsection (h) of 8-30(g), and it just says that we
20 can deny or that we can approve with restrictions.
21 Was that what you were talking about?

22 MR. BRANSE: No, no, I don't think-

23 MR. KERWIN: Here I'll read it. "Following a
24 decision by the commission to reject an affordable
25 housing-

26 MR. BRANSE: Following the decision.

1 MR. KERWIN: Yes. Or to approve an application
2 with restrictions, which have a substantially
3 adverse impact.

4 MR. BRANSE: Yes.

5 MR. KERWIN: So that seems to be the two- we
6 can either- we're not required to- and I just want
7 to make sure that you're not-

8 MR. BRANSE: No, you're- what you're reviewing
9 here is the standard for reviews of the court, and
10 the court- the review is where the court- the court
11 is reviewing either a denial or an approval with
12 conditions that destroy the viability-

13 MR. KERWIN: Well, that-

14 MR. BRANSE: But the language that you're
15 asking me about, is- here we go, the decision the
16 commission should approve, that the decision is
17 necessary and impacts substantial public interest
18 and health, safety or other matters, which a
19 commission can legally consider, B) such public
20 interests clearly outweigh the need for affordable
21 housing, and C) such public interests cannot be
22 protected by reasonable changes to the affordable
23 housing development. So that's what I'm
24 referencing, that if there is something that the
25 commission considers to be a defect, it must remedy
26 it by the modification or condition. It can't just

1 say for example, you didn't submit an A-2 survey,
2 denied. It has to be subject to a condition that an
3 A-2 survey is submitted.

4 MR. KERWIN: Isn't in fact- I think what you
5 were reading from was the burden- in fact Judge
6 Prichard actually brings that up-

7 MR. BRANSE: Pickard.

8 MR. KERWIN: Pickard, I'm sorry. Prichard, I'm
9 thinking of another Judge in Hartford. That's
10 the standard of review. In fact it's section three
11 of his opinion references subsection (g) which sets
12 out the standard of review, and that's what the
13 commission has to prove at the appeal or at the
14 superior court level, but I think subsection (h) is
15 actually what happens- what we're entitled to do
16 when we review an application. We can either deny
17 it-

18 MR. BRANSE: I think you're- I know you're an
19 attorney, Mr. Kerwin, but I think you are in error.
20 The case- that is not the case law. The case law is
21 very clear-

22 MR. KERWIN: Do you have a specific cite?

23 MR. BRANSE: No, as a matter of fact- Look, I
24 already know this commission is going to deny us. I
25 know that. I knew that when I walked in here. I knew
26 that April 1st.

1 MR. KERWIN: Then why are we bothering then. I
2 don't think that's an appropriate comment.

3 MR. BRANSE: I don't know why you're
4 bothering.

5 MR. KERWIN: I think we're all sworn to follow
6 our obligations. I take umbrage with that statement
7 because I'm an attorney, I've got the co-obligation
8 to fulfill my requirements and my oaths, that I've
9 taken both as an attorney and also when I became an
10 alternate. So I kind of take offense with that
11 statement, but you know, obviously I think there's a
12 little bit of-

13 MR. BRANSE: I think the language is pretty
14 clear, that if it's capable of being remedied by a
15 modification or condition, that that is what the
16 commission is bound to do here.

17 MR. KERWIN: Well, I disagree with you, and
18 I'm citing specifically subsection (h). If you can
19 find me a case, feel free, but I think-

20 MR. BRANSE: This is not the place to argue
21 case law.

22 MR. KERWIN: I'm not asking to argue case law.
23 I just wanted to know- I thought your comment was
24 that we could either deny it or approve it with
25 restrictions?

26 MR. BRANSE: No, that's not what I said.

1 MR. KERWIN: Okay, then-

2 MR. BRANSE: That I never said.

3 MR. KERWIN: Fine, then let's move on because
4 that was my confusion.

5 MR. BRANSE: Okay, I never said that.

6 MR. KERWIN: Okay.

7 MR. BRANSE: What I was saying was that if
8 there is a substantial adverse interest to health,
9 safety or other matters, the commission may consider
10 and if that substantial adverse interest outweighs
11 the need for affordable housing, which in Oxford is
12 less than one percent, and if it cannot be cured by
13 a modification or condition of approval, that's the
14 test the court applies. So that's why I'm saying-
15 that's why when I went through Mr. Galligan's
16 letter, that's why I said, these are items that can
17 be conditions of approval. For example, a
18 playground, that can be a condition of approval. If
19 that's something- that's something we're willing to
20 do as a condition of approval. This is an example.
21 It's not a substantial health or safety, it doesn't
22 outweigh the need for affordable housing in Oxford.
23 We're willing to do it.

24 MR. KERWIN: Good. Yeah, I just had a question
25 about that. Also, you spoke a little bit about a
26 decision on the roadway that the entrance and exit

1 on Hurley Road. At the time I was a little confused.
2 You made a comment about at the time of the decision
3 by Judge Pickard, that there was no access to Hurley
4 Road. At the time the application was before the
5 court, there was in fact access— or you did have
6 adjacent, adjoining property to Oxford Airport Road.
7 Right?

8 MR. BRANSE: No, we did not.

9 MR. KERWIN: Didn't you have a proposed
10 emergency exit?

11 MR. BRANSE: Yes, I'm sorry. We showed a
12 proposed emergency access contingent on the DOT
13 approving it, which they did not, and that's been
14 entered in the record already, that we cannot breach
15 the nonaccess line, and besides which, Judge Pickard
16 said that he didn't want emergency access. He wanted
17 a full second access. We felt the DOT might go along
18 with an emergency only. By the way, they didn't, but
19 that was an emergency only. He said two full access
20 points. You can't get a full access point on Oxford
21 Airport Road.

22 MR. KERWIN: Okay. Forgive me, I wasn't a
23 party to the—

24 MR. BRANSE: I understand.

25 MR. KERWIN: You don't own all the way to
26 Oxford Airport Road?

1 MR. BRANSE: This is the property line on the
2 plan. So you can see there's the right of way, but
3 nowhere near the paved area. It's quite a distance
4 from the paved area.

5 MR. KERWIN: Alright.

6 MR. BRANSE: But nevertheless, we would have
7 if the state had allowed it, we would have
8 constructed that emergency access, but first of all,
9 the state wouldn't, and second of all, Judge Pickard
10 said it has to be a full access, not an emergency
11 access.

12 MR. KERWIN: Full access, yeah, I have the-

13 MR. BRANSE: So the only place that can happen
14 is Hurley Road.

15 MR. KERWIN: Okay. He said- yeah, that was one
16 in his part five or six of the remedy. And lastly we
17 talked a little bit about definition. What does
18 6a.25 of article 6a of the regulations that Judge
19 Pickard required us to adopt? They referenced the
20 definition section of article two, which has the
21 definitions of roadways that Mr. Galligan referred
22 to. Is that correct?

23 MR. BRANSE: I don't have it in front of me.

24 MR. KERWIN: I think it says, to the extent
25 they are- and I'm reading from our regulations, for
26 the record, 6a.25. "To the extent they're not

1 inconsistent with article 6a, the definitions of
2 article 2 are hereby incorporated by reference." So
3 if I could go through, Madam Chair, and address my
4 comment to Mr. Galligan. Was that how you were
5 referencing the definition sections of our--

6 MR. GALLIGAN: That's correct.

7 MR. KERWIN: Yes.

8 MR. KERWIN: 6a.2.5. I think it references the
9 definitions.

10 MR. BRANSE: I think it does too, to the extent
11 it's not inconsistent, and--

12 MR. KERWIN: It's not inconsistent.

13 MR. BRANSE: And section 9 of 6a says, and
14 I'll read it, "Interior roadways, all interior
15 roadways shall be private, however the provision of
16 section 22 are shown not apply, shall not apply. All
17 manufactured home spaces shall abut an interior
18 roadway with a paved travel way of no less than 24
19 feet in width". These are 24 feet in width, and so
20 on. So we are in compliance with section 9 of 6a.

21 MR. KERWIN: And it's appropriate for us-- you,
22 refer to the definitional sections of section 2 of
23 our regulations. Isn't that correct?

24 MR. BRANSE: No.

25 MR. KERWIN: Yes, it is, as long as it's not
26 inconsistent.

1 MR. BRANSE: As long as it's not inconsistent.
2 So this is, all interior roadways shall be private,
3 and section 22, shall not apply. That's the section
4 that Mr. Galligan cited to.

5 MR. KERWIN: And you mentioned the playground,
6 which was one of the concerns I had. What were you--
7 and I don't want to hold you down to it-- what did
8 you have in mind for the playground?

9 MR. BRANSE: I don't know. I don't know if Mr.
10 Friedman gave it any thought.

11 MR. FRIEDMAN: I haven't.

12 MS. BRANSE: We don't know.

13 MR. KERWIN: Because we had addressed that
14 back at the last meeting I thought.

15 MR. COSGROVE: We sure did.

16 MR. BRANSE: And it's not a substantial
17 adverse impact on health or safety.

18 MR. KERWIN: Well, I'm not saying it is. I just
19 had a question as to it.

20 MR. BRANSE: So I'm glad to hear you say
21 you're not alleging that it is, because it certainly
22 isn't. It's something that we can add. As to how big
23 it will be, I don't know.

24 MR. KERWIN: Okay.

25 MR. BRANSE: I mean it's not something that we
26 have to do regardless, but we're willing to do it.

1 MR. KERWIN: I have some comments for later.
2 I'd like to have some more input, but those are my
3 questions with respect to that.

4 MS. CARVER: Pete? We'll go across the line,
5 because I know Pete had some stuff for the record.

6 MR. ZBRAS: I just want to clear that I'm not
7 an engineer or anything like that. So I took these
8 pictures of the Hurley Road, and on top you'll find
9 a cover saying what they are.

10 MS. CARVER: Okay.

11 MR. ZBRAS: On the first one there you're
12 going to see the pond over there.

13 MS. CARVER: Yes.

14 MR. ZBRAS: That water is going underneath the
15 road, and the road in it. That's about maybe a 16
16 foot piece of road. I'm trying to find the- on the
17 last picture, there's another page here, again, what
18 I did is I went down there and I measured the road
19 from each telephone pole, the width of the pole,
20 from the pole to the other side of the street, and
21 the pole numbers are there also. Now that's the
22 width of this street, of Hurley Road there. This way
23 it will give you a rough idea what you're looking
24 at. The pictures you can see how wide the road is in
25 certain spots.

26 MS. CARVER: Oh, thank you.

1 MR. ZBRAS: Like I say, as you go through
2 there, you can see the pond and the damn and the
3 dirt is eroding from underneath the road here. Now,
4 on this you'll see a rope going across. That's a 19
5 foot tow rope. I put that there so you can actually
6 see what the measurements are. I mean, you can't see
7 footage, but that's a 19 foot rope.

8 Then your next one is again, the top of the
9 road. A cement truck fully loaded is 80,000 pounds.
10 Now going across this road, it's definitely going to
11 cave in after so many trucks. I mean, again, I have
12 to take that back. I can't say because I'm not a
13 road engineer, but my opinion would be 80,000 pound
14 trucks constantly going over there for a 124 slabs
15 that they're going to develop, is going to put a lot
16 of pressure on that pipe in my opinion.

17 And again, there's the- the dirt is eroding
18 from underneath the road here. It looks like from
19 the rain it keeps taking the dirt out of there.

20 MS. RYCENGA: It's actually eroding, Peter,
21 where there's two sink holes.

22 MR. ZBRAS: Yes, there is definitely two sink
23 holes there. The other photos are showing you that
24 Hurley Road, there is no place to park on either
25 side. If you keep going through them, there's no
26 pull over, there's no place for a person- like if

1 the school bus was there, they'd have to park where?
2 And you know, the way kids are, jumping out of a
3 car.

4 I believe this is the driveway you were
5 referring to before with the for sale sign on it.

6 MR. BRANSE: What number are you looking at?

7 MR. ZBRAS: Number 6.

8 MR. BRANSE: On mine the numbers are cut off.

9 MR. ZBRAS: I'm sorry. Then number 7, this is
10 going up toward the crest of the hill. Again,
11 there's no parking on either side. Again, number 7,
12 8, same thing. Number 9, that's where the driveway
13 is from that business that's over there.

14 MS. CARVER: Yes

15 MR. ZBRAS: Now, you'll see a picture here
16 with a tractor trailer coming down the road. That's
17 a car parked on the side of the road. You can see
18 how close he came to that parked car. This wasn't
19 set up or nothing. It just so happened a tractor
20 trailer was going by there at the time. Number 11
21 you see another truck coming down the road with the
22 branches hanging over, so eventually they're going
23 to be pulling over to the center of the road to miss
24 those branches. So if you've got a school bus coming
25 down that way or another truck coming down that way
26 on a 19-foot road. In the last picture, number 12,

1 you're going to see that's the crest of the hill,
2 and that's a vehicle parked on the other side of the
3 hill, and believe me, I almost got run over twice
4 here. When the people seen me standing there, it
5 looked like, oh, gee, a human. So it is a dangerous
6 road there.

7 And you got, like I said before, the cement
8 trucks, he's going to have 124 cement trucks. I
9 don't know how many slabs are going to come out of
10 one truck, but 80,000 pounds going over that
11 drainpipe. Then you got the school buses, the
12 length, the width.

13 The other page is about a fire that happened
14 where this little boy saved the lives of his
15 parents, but he got killed in the fire. It's a
16 shame.

17 Then the last page was, we have a volunteer
18 fire department here, and when I went down to talk
19 to them down there they told me that if a fire
20 occurred in this development, it would be a total of
21 19 units showing up there. Now, the reason 19 is
22 because the volunteers usually bring their own cars,
23 you know, when they're home, whatever the case is,
24 and then the rest, two engines, one ladder truck,
25 one to two ambulances, three tankers, one rescue
26 unit, and one Oxford's is the SUV, and then

1 bystanders of course. So a total of 19 units. I
2 don't see where these units are going to fit
3 fighting a fire. Now that is public safety. So
4 that's all I have to say.

5 MS. CARVER: Thank you.

6 MS. RYCENGA: Excuse me, Madam Chair. Peter,
7 do you have the originals of those because those
8 will have to be submitted into the record.

9 MR. ZBRAS: They're right here.

10 MS. CARVER: And dated as to when they were
11 taken and things like that for the record?

12 MR. ZBRAS: Yes, they're dated and signed on
13 the back.

14 MR. CARVER: Great, thank you.

15 MR. COSGROVE: Several questions that I have
16 on here. First of all, what is the width of these
17 trailers when they're- or mobile homes or whatever,
18 mobile manufactured homes, what is the width of them
19 on the road? That's one of the questions.

20 MS. CARVER: Okay.

21 MR. COSGROVE: The other question is, what
22 kind of heating system are these trailers going to
23 have or mobile homes or whatever you want to call
24 them? And then, are they going to have air
25 conditioning in these units? I don't see anything-
26 we haven't gotten any updated map from the applicant

1 in regards to lampposts and in regards to fire
2 hydrants and other safety equipment in the area, and
3 I think that's very serious.

4 The other thing that I noticed is- I didn't
5 notice because the copy that I got- my eyes are not
6 that good at this age. Washer/dryer, is there going
7 to be a common washer/dryer, which is kind of like
8 SOP for this type of facility.

9 And then, I don't think the applicant has done
10 an adequate job in doing additional parking at the
11 end of the road, which was brought up several
12 meetings ago, and I haven't seen anything, as a new
13 map to show me that they're seriously interested in
14 adjusting this because parents are going to drive
15 their children down to the end of the road, or
16 they're going to walk them down there, but generally
17 drive if they have two cars, and they're going to
18 stay there and wait for the children until the bus
19 comes or they're going to wait for the children to
20 pick them up to take them home, and I think the
21 applicant is trying to- being a little bit
22 conciliatory, which I think is nice on his part of
23 putting in a shelter, but how are you going to have
24 a shelter for 70, 80 children that are going to be
25 living in this complex?

26 The other thing that really, really bothers me

1 is, you know, I was a youngster one time myself, and
2 that's a long time ago, but somebody has got to put
3 a fence around that pond. To me that is just totally
4 irresponsible to have a pond like that, and whatever
5 the depth is, and not to have a fence around it, 360
6 degrees all the way around it. The other thing, what
7 are going to happen to the two beavers that are
8 there?

9 MS. RYCENGA: They're going to continue to
10 build their dams.

11 MR. COSGROVE: Are they going to be, you know,
12 sent out?

13 MS. CARVER: Are you all set?

14 MR. COSGROVE: Yeah, that's my list one for
15 now.

16 MS. CARVER: Thank you. Arnie?

17 MR. JENSEN: Nothing right now.

18 MS. CARVER: Jeff?

19 MR. LUFF: I agree, nothing right now.

20 MS. CARVER: I don't have anything at the
21 moment. Todd?

22 MR. ROMAGNA: Yeah, I have a question. I
23 listened to our engineer's request, and I've
24 listened to the responses from the applicant's
25 engineer, and I just have a concern that I've
26 noticed that a lot of these road issues are answered

1 by the remedy of having some type of signage, and
2 you know, I'm not looking at this as an engineer,
3 because I'm clearly not an engineer, but practically
4 when you look at this, I'm curious as to what the
5 compliance these signs are really going to be when
6 it's not enforceable, and therefore is that really a
7 remedy to this problem? We have several
8 intersections that I would have to imagine that the
9 applicant agrees has potential for danger, and we're
10 addressing it by signage that's not enforceable. So
11 I'm just curious if that's a true remedy and I also
12 would agree with Commissioner Cosgrove that one of
13 our concerns was the children at the bus stops and
14 saying that we'll build a shelter as just a generic
15 response, I don't know that that addresses the
16 potential for the amount of kids that could be
17 there, and if it is going to be built to address the
18 amount of kids, I'm curious as to what you would be
19 prepared to do. I'm afraid I'm imagining a six-foot
20 square shelter, and I just don't think that would
21 suffice. So I would be curious as to what you would
22 be prepared to do. That's it.

23 MS. CARVER: First Selectman?

24 MR. TEMPLE: Yes, if I may. I have a few
25 things. One thing that really bothers me is the
26 parking here because I'm looking at this extremely

1 crowded complex and you know, I'm sure they could
2 have their little parking spaces, but somebody
3 throws a party or it's Cinco De Mayo or something
4 else and pretty soon you can't park there. Well, you
5 also can't bring an ambulance there and you can't
6 bring a fire engine there, and you know, we wouldn't
7 be able to get to it, and I think that this is also
8 kind of related to the attitude that was conveyed at
9 the last meeting that I attended, wherein the
10 applicant stated that because it cost attorney's
11 fees to fight the last thing in court, he had to
12 increase the number of units and make it more
13 affordable to him, and in my opinion he's not the
14 focus of the affordability statute, it's the people
15 that would have the opportunity to use this
16 facility, and not the people who would have an
17 opportunity to profit off of it. I'm not for putting
18 slumlords into Oxford. You know, that's perhaps an
19 overstatement, and I'm sure it is, but I'm concerned
20 about these units. We've have a recent fire, I
21 believe it was in Norwich one of them, and it went
22 from one to seven just like that, and if they were
23 in the beginning of this project, we would have real
24 problems, you know, where people would get hurt and
25 potentially killed. I think it's well overstated in
26 the amount of units that's being proposed, and I

1 think it's kind of like an in your face, a
2 punishment to the town, which you know, I don't- I'm
3 not saying to react to that, but you know, it's
4 obviously there.

5 As far as the overall enforceability of any
6 of the stuff, as far as parking is concerned, I
7 assume that the burden would be on the town, the
8 police, but you know, the police aren't going to
9 have an opportunity to patrol this every day. So you
10 know, I think that that would be well out of
11 control. I mean I think it's a problem. I look at it
12 as something that concerns me from a health and
13 safety aspect of it, and you know, I think the
14 commission should take that view also.

15 MR. CARVER: Thank you. Brian, Town Planner?

16 MR. MILLER: Yes, thank you. A couple of
17 issues, and I don't want to be redundant with the
18 issues that have been addressed, but I want to kind
19 of elaborate a little bit on it. One is the
20 recreational facility. Most of the children in
21 Oxford have the advantage of living on pieces of
22 property of one to two to three to four acres, and
23 have recreational facilities on site. There's no
24 room on this proposal. Now, Attorney Branse, of
25 course I have a lot of respect, and I'm not speaking
26 from a legal prospective, but I do think that any

1 children living here have the right to some
2 enjoyment of recreational facilities, whether that's
3 legally fit with the court's decision or not, I
4 can't speak, but I think from a question of- you
5 know, and I've always felt that the town needs more
6 affordable housing, but I think they need the right
7 type of affordable housing, and bare bones of
8 affordable housing that's, quote/unquote, affordable
9 is not worth, so we need to provide the right
10 amenities into whatever affordable housing, whether
11 it's in Oxford or Waterbury or Bridgeport or
12 Simsbury, that makes it a viable, livable
13 environment, and I think that we've all recognized
14 that there's going to be a number of children living
15 there, and look, growing up in a neighborhood that
16 didn't have a lot of parks, if you don't have a
17 place to play in your backyard or a park, where do
18 you play, you play out in the street, and we played
19 stickball and all that stuff. I suggest that's not
20 the ideal situation here, and you know, just saying
21 that Attorney Branse will provide for it, I think is
22 not fully adequate. I think there needs to be some
23 designated areas. I think there needs to be at
24 least two designated areas, given that we're dealing
25 with 120 some odd units, one in the north, one on
26 the south, and they should be at least 2500 to

1 3,000 square feet a piece. So just sticking in a
2 teeter-totter or basketball court here and there
3 would not be adequate, and in fact that we have a-
4 the commission heard a public hearing before this
5 where there was actually a designated- an affordable
6 housing development where there was actually a
7 designated recreation area. You know, we could argue
8 about the size and the scope of it, but it was
9 there, and this one does not have that, and I think,
10 you know, I think it goes to the welfare of the
11 residents, particularly the younger residents that
12 this not be included.

13 Also to kind of tag along with the parking
14 regulations, and George, I don't think the cops, the
15 town cops have any jurisdiction within a private
16 area. So then you're dealing with, you know, the
17 jurisdiction. So I had a comment on that, and Mark,
18 your response was, well, we'll put it in the lease.
19 Is that true? Correct me if I'm wrong.

20 MR. BRANSE: I just didn't hear you.

21 MR. MILLER: That you would put it in a lease.
22 Is that correct, Mark?

23 MR. BRANSE: Correct.

24 MR. MILLER: Okay, thank you. Now, what is the
25 remedy? I mean what is the reaction, and also I find
26 that- I'm not an attorney, so I don't necessarily

1 rely on rules. I think some sort of physical
2 accommodation works better than rules, and I can see
3 that you have a three-bedroom unit where you have a
4 mother and father working and a 19 year old or
5 something, who's got a job and working. So you've
6 got three cars there. Right? And you only have room
7 for two on the pull along. So it's not even like an
8 occasional party situation, either Cinco De Mayo or
9 I'm going to say St. Patrick's Day, if you don't
10 mind, so you don't-- or Fourth of July or whatever.
11 So it may not even be an occasional situation. You
12 might actually have a long term situation, and
13 frankly, people are lazy and they'll park on the
14 road, and when you're dealing with snow and
15 everything else, you're dealing with situations. So
16 just saying it's in the lease, you know, I mean
17 what's the remedies for that? Is it eviction if you
18 park in the street? You get one nasty letter, and if
19 you do it again you get evicted? Again, I'm not sure
20 how in reality that will protect the public health
21 and safety and welfare, and I think that's something
22 that this commission needs to be comfortable with
23 rather than just saying, well, we put up a sign, and
24 we'll put it in the lease. I think there needs to be
25 more than that, at least alternate accommodations
26 for parking and nearby, scattered throughout the

1 development or something like that, that would make
2 accommodation of this somewhat easy. I guess that's
3 my major concerns.

4 Oh, wait, also, I'm sorry, the third comment
5 that was raised is the school bus issue. Just a
6 shelter is good, nice, but-- and I wasn't asked, and
7 you weren't asked to figure out how many potential
8 school children would result from this 122 units,
9 three bedrooms, whatever they are. The chances are--
10 I think we could all agree on at least several
11 dozen. I don't subscribe to, you know, people say
12 there will be two kids per unit. I don't agree with
13 that, but we can agree that there'll be several
14 dozen kids there, and I'm not talking about it from
15 a fiscal prospective, I'm talking about from a
16 safety prospective. So if you don't have kids that--
17 well, first of all, the Oxford Board of Education
18 will not take a bus, a school bus through that
19 area. Whether that's right or wrong, not to debate,
20 that's a given right now. There are some areas of
21 that are probably at least a quarter or half a mile
22 away from where the bus is likely to pick it up,
23 pick them up on Hurley Road. So you're going to
24 have, because it's not like us, Mark, you know, we
25 walked through the snow, and all that stuff and
26 George probably did that too, but the kids now, they

1 don't do that. So the parents will want to drop them
2 off. They'll need to be some sort of accommodations
3 I think like turn offs for some parking that's
4 waiting there. I think there needs to be a pull off
5 area for busses. Certain safety accommodations
6 beyond a six-foot shelter or a 12-foot shelter or a
7 15-foot shelter, whatever you were thinking of to
8 actually accommodate that, and you know, if you want
9 to put precedent, we did the same with the previous
10 application that came here on Glenwood. You know, we
11 actually, this commission in the interest of safety
12 of the residents, particularly the youngest
13 residents, are requiring a rather significant and
14 elaborate configuration for the bus pickup, and I
15 think in this area it's particularly important given
16 that the geometry and now what might be the traffic
17 characteristics of Hurley Road.

18 MS. CARVER: Jim, Nafis & Young?

19 MR. GALLIGAN: Yes, I have a couple of
20 comments. Firstly we had some discussion about the
21 bends in these roads. There's actually I believe
22 five bends in these roads. These are not
23 intersections. They are bends in the roads. I cited
24 the geometric design standards that are referenced
25 in your regulations. Mr. Branse did mention several
26 times conformance with the subdivision regulations.

1 The subdivision regulations actually refer to the
2 document that I used. He made light of the fact that
3 the title of the diagram however, 15 miles an hour
4 is 15 miles an hour, and it's designated on the
5 chart, and that's what is used for the guidelines.
6 He had mentioned earlier about people talking about
7 the road being a road or a driveway. Well, I can
8 talk about it being a rural highway. A rose is a
9 rose. The fact of the matter is, is that these are
10 deficient radii in the roadways. They are not
11 intersections. Putting stop signs, stop bars at the
12 deficient radii do not make them compliant. My
13 professional opinion is that these five locations,
14 that they are a challenge to public health and
15 safety. They're cause for a public health and safety
16 issue.

17 Mr. Trinkaus made reference to something
18 called low volume road document or something like
19 that. That reference has no value whatsoever at this
20 hearing because he has not provided any kind of
21 backup or documentation as to what that is. Most
22 significantly, I have not had a chance to review any
23 of the documents that they've referred to. The
24 submission I believe they made tonight, I have not
25 seen yet. You and I have seen the exact amount of
26 plan, so I cannot confirm any of the information

1 that they have testified to.

2 My responsibility here, and I believe part of
3 your responsibility, is to public health and safety.
4 The people that are going to live in this community
5 deserve the same level of protection as every other
6 person in the Town of Oxford. These minimum radius
7 issues, these cross slopes, this road radius, these
8 things are safety issues for the people who are
9 going to live there, people who are going to visit
10 there. I just don't find these solutions that
11 they've come up with as being acceptable. I can't go
12 along with them until I see the results, see the
13 plans. They've not submitted plans, so I can't
14 review them.

15 MS. RYCENGA: Yes, I do have a few comments. I
16 just want to note for the record, for clarification
17 purposes, I did speak with Attorney Branse on the
18 phone, and just to get clarification as to the
19 permits will be required for each individual
20 concrete pad, and a zoning certificate of compliance
21 will be required for each unit. Per our phone
22 discussion, he did agree to it, as his client has
23 experienced that in one other town. So I just want
24 to note that for the record.

25 One question I do raise is, it's important to
26 at least identify for the record the vehicle traffic

1 direction during construction. We have done this
2 with other applications, large site plan approvals.
3 We have a specific vehicle traffic direction that
4 they have to follow because typically Airport Access
5 Road to 188 to 67. So I would just identify that for
6 the record.

7 I would have to agree with Madam Chairman, I
8 think there's been a lot of information that has
9 been submitted. We would appreciate an extension. I
10 think in all fairness it's a reasonable request of
11 the applicant.

12 Then also, I do want to state this for the
13 record, I know that there has been additional units
14 added to this site plan in comparison to what was
15 previously proposed. I know there is a financial
16 hardship on the applicant, but there's also been a
17 financial hardship to the town, that includes
18 expert's review, myself, and if the applicant would
19 be willing to eliminate those units that have been
20 proposed to allow for the playscape area, to allow
21 for the bus stop because in my opinion I do believe
22 if those- I believe, I could be wrong, but it's an
23 additional 13 units or 11 units.

24 MR. BRANSE: Eleven.

25 MS. RYCENGA: Eleven units. If those Eleven
26 unit were removed, we can accommodate a good size

1 playground and a bus stop in my opinion. That's all
2 I have.

3 MR. COSGROVE: Another question if I can? Do
4 you want to go around again?

5 MS. CARVER: No, no. I'm going to let the
6 applicant- unless it's something we haven't
7 discussed-

8 MR. COSGROVE: It hasn't been discussed yet.

9 MS. CARVER: It hasn't been discussed. Make it
10 quick because I would like to go to the public and
11 to-

12 MR. COSGROVE: Madam Chair, I'd like to know
13 whether or not this construction of this unit, will
14 this provide credit to Oxford for the number of
15 affordable housing units?

16 MR. MILLER: Yes.

17 MR. COSGROVE: Excuse me. I'd like somebody
18 from the- a response from the-

19 MS. CARVER: The applicant?

20 MR. COSGROVE: From the attorney, if he will.

21 MR. MICCI: Madam Chair, can we have a 5
22 minute recess?

23 MS. CARVER: Yes. Okay, that sounds good. We're
24 going to have a 5 minute recess.

25 (Recess)

26 MS. CARVER: Okay, we'll reconvene the meeting

1 at 9:20. Should we go to the public quick and answer
2 that or would you like to go-

3 MR. BRANSE: Why don't you go to the public
4 first, so they don't have to wait as long.

5 MS. CARVER: Do we have anyone in the public
6 that would like to speak on items?

7 State your name and address for the record
8 please?

9 MS. CRANE: Ann Crane, 411 Mulligan Drive. I
10 just would like to ask, how wide are the streets?

11 MR. BRANSE: Do you want me to answer that
12 one?

13 MS. CARVER: Go ahead.

14 MR. BRANSE: 24 feet.

15 MS. CRANE: Thank you. I think the idea that
16 you're going to not have on street parking by just
17 putting up a sign, it's kind of very unrealistic.
18 Also, your new version, do the homes have garages?

19 BRANSE: The answer for the record, is no.

20 MS. CRANE: So there are no garages. So if you
21 have a mother and a father in a home, the two cars
22 are going to be parked in the driveway. If a friend
23 comes, they're going to have to park somewhere.
24 Where are they going to park? They're going to park
25 in the street, and at 24 feet. I live in Oxford
26 Greens, and I know that when you have- I think we

1 have 24-foot roads too and when someone is parked in
2 the street, you're down to a one lane road. I
3 would just like to remind you of the size of garbage
4 trucks these days, fire trucks, furniture delivery
5 trucks, federal express trucks, hundreds of these
6 trucks come in the course of the week in a community
7 like this one to deliver packages and so forth. So I
8 hate to be redundant but, you must have parking
9 spaces and you must have off street parking if
10 you're not going to have on street parking. There's
11 a lovely community in Orange called Silver Brook,
12 and its condominium homeowners association, I think
13 every building had like four additional parking
14 spaces off the street adjacent to the building, and
15 it worked very nicely. When I went to visit my
16 sister I didn't have to park on the street. There
17 was a nice parking space.

18 I would like to ask, is Hurley Road going to
19 be widened and rebuilt actually, reconstructed? It's
20 only 19 feet now. Is there any plan for that? Does
21 someone have an answer?

22 MS CARVER: Hopefully we'll get that for you.

23 MR. BRANSE: We wouldn't know that.

24 MS. CRANE: Where will the school buses turn
25 around? If they can't go into the community, will
26 they just have to back-

1 MS. CARVER: They would go around like the
2 normal- like they do with probably residents that
3 are on Hurley Road or Donovan there's some
4 residential area. They would have to come around
5 and-

6 MS. CRANE: They're going to have to back up
7 into somebody's driveway it seems or into-

8 MS. CARVER: They go a longer route.

9 MS. RYCENGA: They will not- Excuse me, Madam
10 Chairman, if I may?

11 MS. CARVER: Yes.

12 MS. RYCENGA: They will not back up. They will
13 take a route where they're continuing going straight
14 to go around. They'll plan out their route where
15 they'll have to find another road to come back
16 around.

17 MS. CARVER: Well, there's no option on Hurley
18 Road. You go down Hurley Road, the only way to go-

19 MR. MILLER: Well, there is, they could go out
20 onto 188 and then up to Airport Access Road.

21 MS. CRANE: Yes, but 188-

22 MS. CARVER: It's a longer route, they will
23 make it a longer route, yes.

24 MS. CRANE: 188 brings you into Southbury.

25 MR. MILLER: Well, there's no prohibition
26 against a school bus going into Southbury.

1 MS. CRANE: Have you seen that road with the
2 bridge?

3 MR. MILLER: No, I certainly have, and I think
4 I mentioned it.

5 MS. CRANE: Will there be laundry facilities
6 in these units?

7 MS. CARVER: That was a question, and I'm sure
8 the applicant will answer that. It was one of
9 Commissioner Cosgrove's question as well, and I'm
10 sure it's going to be responded.

11 MS. CRANE: I also was curious to know what
12 system of garbage collection is planned. Would you
13 have the garbage collected from each home or will
14 there be dumpsters in a specific area?

15 I would also just like you to please consider
16 the quality of life that's going to be available in
17 these communities. There are no garages, and there's
18 three bedrooms, and you're going to have children.
19 You know, we all have a lot of stuff. Where are the
20 kids going to store their bikes? There's no
21 basements and there's no garages, and they're
22 certainly not going to go up in the attic. What are
23 people going to do with all their stuff? It's just
24 going to be hanging out all over the place. It's
25 going to look like a trashville. Right? So please
26 consider the quality of life, and when you're going

1 to have children, children need a place to play.
2 They need a baseball field, a soccer field. Where
3 are they going to put up a volleyball net? All that
4 sort of thing. Thank you.

5 MS. CARVER: Thank you. I know there was
6 another hand that went up. Come on up.

7 MS. GUILLET: 175 Good Hill Road and vice chair
8 of the board of education. I do want to address a
9 few issues regarding the bus-

10 MS. CARVER: Paula-

11 MS. GUILLET: Go ahead.

12 MS. CARVER: Oh, as long as it's the bus and
13 nothing fiscal. Okay? I just want to make sure.

14 MS. GUILLET: Oh, the issues, yes. There's a
15 couple things, but I'll start with the bus stop. I
16 can tell you that currently in Oxford in a
17 subdivision that is a private road with 15 houses on
18 it, there is easily 6 to 8 cars at the end of the
19 road every day for morning pickup and afternoon, and
20 every- all over the place backing up. I can't even
21 imagine, I would figure if you're going to have 120
22 potential homes in there, what kind of- you're going
23 to have six times what is there, and I think anybody
24 can visit some of the bus stops in town. I also
25 think it would be a good idea for this board to
26 consult with the business manager of the board of

1 education and can certainly find out about any type
2 of other busing issues. There are currently roads in
3 Oxford that buses can't go down, and we have to try
4 to alternate the routes to work around that. There's
5 times that- you know, I don't know if they're
6 suggesting that we're going to actually have to go
7 into a different town to access that, but there's a
8 lot of concerns there, and I think our business
9 manager, consulting with the local bus company,
10 who's very familiar with Oxford Roads and state
11 regulations, sightlines, and all that, know their
12 buses.

13 The other thing, is having served on our
14 transportation committee, I don't know the length of
15 some of these roads here, but there is some statute,
16 state statute in regards to how far an elementary
17 child can walk to a bus stop. We cannot mandate
18 parents to drive their kids to the bus stop, and I
19 believe it's a half a mile, the last time I reviewed
20 it. The elementary kids can walk, you know, whether
21 it's to school or to a bus stop, and I suggest
22 somebody reviewing that statute. I believe middle
23 school was three quarters of a mile, and high school
24 was a mile, and safety is definitely an issue and
25 becomes the Town of Oxford's obligation to make sure
26 kids are safe at a bus stop, and I hardly think that

1 a shelter is going to be sufficient in this thing.

2 I would also like to comment on the parking.

3 It is absolutely ridiculous. I think if you go into
4 any homes in Oxford, they have friends over, they
5 have birthday parties, they have scout meetings at
6 their house. You're talking 100, 200 kids easy. That
7 is definitely a concern. Where are these people
8 going to park? Who's going to enforce no parking on
9 these streets. If it's a private road do the police
10 come and give out tickets up there? So I don't think
11 parking is adequate at all, and I'm sorry my notes
12 are a little jumbled here as I tried to note as you
13 guys were- during the presentation.

14 There were comments made about health issues,
15 health and safety. I think there is some legislation
16 in Connecticut that concerns about health. For
17 instance, recess is mandated by law, that kids have
18 time- we have an obesity epidemic in this country.
19 They're currently looking at banning whole milk in
20 our daycares and preschools. That is currently a
21 bill in Connecticut. So I think the State of
22 Connecticut is definitely concerned about the health
23 of children, and I suggest that they look into that,
24 and we have to- they cannot take recess away from
25 kids now. That's law. We cannot take recess away
26 from kids no matter how bad they've been. We can't

1 do it. So I think a need for a playground should be
2 there and spelled out. I mean it's definitely- there
3 is health issues there.

4 And the need for- you know they're saying that
5 the need for affordable housing, currently there are
6 houses for sale in Oxford that are in these
7 guidelines and are sitting there for sale and nobody
8 is buying them. So I have to question the need,
9 whether there's a statute in place for it or not.

10 I'd also like to comment that I don't think
11 that- I don't appreciate the fact that our ambulance
12 is disrespected. I think- and when they submitted
13 their letter, I think they know from experience and
14 we're finding out as these developments come in and
15 senior housing developments are coming, what kind of
16 problems that we're running into in town, and that
17 that should be- that needs to be looked at. I mean
18 we're finding out. We don't currently have a
19 development of this size compact with this many
20 homes, and then we're facing children. We've only
21 been looking at it as seniors. This is a whole big
22 issue, and there's a lot to look at, and this
23 decision shouldn't be rushed. I think Oxford wants
24 to take pride in their community and this should be
25 no exception. And the financial hardship, we're all
26 in a financial hardship.

1 Fire safety? I have a 900 foot driveway, and
2 required to have two passing areas on my 900 foot
3 driveway for a single family home. I hardly think
4 that concerns for a fire truck is something that
5 shouldn't be taken into consideration. We have had
6 children die in Oxford, maybe 15, 20 years ago,
7 because they couldn't get there, because the lanes
8 were clogged with vehicles. That is a very real
9 thing, and is what caused the zoning to require two
10 passing areas every 300 feet on an interior
11 driveway. So I think there's some real concerns as
12 far as fire safety goes, and if you do have cars on
13 this street, which it's very unrealistic to think
14 that this is- people aren't going to park on the
15 street because- it's just very unrealistic.

16 I think constantly referencing other areas in
17 town as- you know, oh, well, this is happening over
18 here. Well, yeah, and we're trying to address those
19 things and moving forward we definitely do want to
20 address those things so that we don't have-
21 continue to have the problems. We want to prevent
22 these kinds of problems. Thank you.

23 MS. CARVER: Thank you.

24 MR. BRANSE: And chairman, just if I may?

25 MS. CARVER: Hold on. Yes?

26 MR. MICCI: Eugene Micci, special counsel.

1 It's not appropriate for me to comment on the
2 adequacy of the site plan. However, I have one
3 collateral issue, which I think has to be raised,
4 and I talked to Mr. Branse about this. I was
5 informed by Anna that the applicant has not paid all
6 the fees due as part of this application. Mr. Branse
7 said to me that we could make it a condition of
8 approval. This is not a lottery. That's the cost of
9 admission, paying your fees. To get before us you
10 have to pay your fees, and I can't wait to see if
11 you win or lose. The fees are now substantial, in
12 excess of 12,000 dollars, and I think that the Chair
13 should remind the applicant that those fees have to
14 be paid before we can go forward.

15 MS. CARVER: Thank you.

16 MR. BRANSE: Madam Chairman, I rose to ask a
17 question of Ms. Guillet, if I may?

18 MS. CARVER: Yes, please. Paula?

19 MR. BRANSE: Ms. Guillet said she referenced a
20 subdivision with a private road and 15 houses, and
21 that there was 6 to 8 cars. I think were 6 to 8
22 parked per day. What road were you thinking of?

23 MS. GUILLET: That is Coventry, and I've seen
24 it several- I'm a parent and-

25 MR. BRANSE: Coventry Road?

26 MS. GUILLET: Coventry, and there's-

1 MR. BRANSE: Is that the name of it, Coventry
2 Road?

3 MS. GUILLET: And there's been concerns as to
4 the safety because the bus needs to stop on a
5 situation. It has to try to go down the road. So I'm
6 familiar with a lot of the bus stop issues in town
7 as I've sat on the transportation committee and
8 they're entitled to a hearing, and safety is a big
9 concern. I'm just telling you current practice,
10 parents in Oxford drive their kids to the bus stop.
11 So I think there will be an abundance of cars at the
12 end of- that's my point I'm making. Okay?

13 MR. BRANSE: Yes, I understand.

14 MS. GUILLET: That there will be an abundance
15 of cars at your bus stop.

16 MR. BRANSE: And-

17 MS. GUILLET: And in a normal- in a
18 subdivision that has 15 or 20 houses, this is easily
19 going to be 6 or 8 times that.

20 MR. BRANSE: I know you said that. What I was-
21 so do you know what the width of Coventry Road is?

22 MS. GUILLET: No, I do not.

23 MR. BRANSE: Okay. Thank you. That's all I had.

24 MS. CARVER: Thank you, Paula. Do we have
25 anybody else in the public? Yes, come on up please.

26 MS. COSGROVE: My name is Kate Cosgrove, and I

1 live at 66 Bee Mountain Road. There's a couple of
2 things I just want to address, and especially one
3 from my experience as first selectman, is the road.
4 Am I to understand that the roads inside the
5 development are not going to be town standards?

6 MS. CARVER: We'll ask that question.

7 MS. COSGROVE: I'd like to indicate that there
8 definitely should be road standards. Whether or not
9 the applicant is going to be plowing or whatever, or
10 repairing, because we did have an experience when I
11 was on the board of selectman where one of the
12 developments, which was supposed to be a private
13 area, and was supposed to be taken care of, started
14 to- they weren't plowing. The first selectman had to
15 send in plows because the development wasn't doing
16 it, and then of course the road started to
17 deteriorate. So perhaps not in 10 years, but perhaps
18 in 20 years the town would then have to go in and
19 repair those roads because there's nobody else there
20 to do it, and that's a safety issue. So we said
21 after that experience, and I believe it is in our
22 regulations, that any road should be definitely on
23 town standards.

24 Also, if they're putting a shelter in for the
25 children, I'm sure- we see these in the 50 plus
26 communities, the mailboxes, because the post office

1 is not going to send anybody down any private roads.
2 So where are they going to put that? Is that going
3 to impinge on the shelter of the children because
4 people will be stopping there and it's going to be a
5 very busy area.

6 I'd also like to mention, are there going to
7 be any restrictions in terms of animals? This is a
8 small area. They're coming into the country. Where
9 are their gardens going to be? They seem to be
10 pretty close to each other.

11 MS. PENNELL: Okay, can you hold on for on
12 second? I don't want to miss anything you're saying.
13 Okay.

14 MS. COSGROVE: Now where was I? Oh, the
15 animals. I mean we're hearing that now, you know,
16 with chicken restrictions in Bridgeport, and I'm
17 sure they'll be here, they come to the country, they
18 want to have things that you have in the country. We
19 should actually have more space so that people can
20 have a nice garden, a vegetable garden. Where are
21 they going to put all that? I work in New Haven and
22 they're developing areas where people can put
23 gardens because they have no space. So what are we
24 going to do in this development?

25 Also, the other idea about- I'm sorry Mr.
26 Temple is not here- putting something in a person's

1 lease that they can't park in a certain area, that
2 means they have to go to court. It won't be
3 enforced, because it's a private area, by the
4 police. They'll have to go to court, civil court,
5 and then they come to the town, and I'm sure he has,
6 as I have had people who are all upset because this
7 was passed and it shouldn't have been done. They
8 have to go to civil court, and I'm sure a number of
9 the residents in Oxford, even houses that have acres
10 between each neighbor, has problems very often.

11 Also, what about sidewalks? Is this
12 development going to have sidewalks, certainly for
13 the children to take a walk. Are they going to have
14 to be- when they're visiting their neighbors,
15 they're going to be walking on the streets, and I
16 think that's an important part, even walking to
17 school.

18 Also, I would like to impress upon the board
19 too that in order for this applicant to move
20 forward, that the playgrounds be specific, not just
21 oh, we'll put a playground in. The measurements
22 should be accurate. Certainly there are playgrounds
23 being put in many places that should be appropriate
24 for the number of children that are there, and the
25 same with the standing area for the bus. It should
26 be listed exactly what they're going to do, and they

1 should be held to it. I mean that has been always a
2 problem, is holding the developer to whatever it is
3 they say. So at least if we had it in writing, that
4 would be very helpful. That's all, thank you.

5 MS. CARVER: Thank you. Do we have anybody
6 else in the public that would like to speak?

7 Okay, would you like to answer the questions
8 that we have?

9 MR. BRANSE: I'll certainly try. Let's see,
10 I'll start with Mr. Cosgrove. He asked what were the
11 widths of the units as they arrive, you know,
12 because they're what are called double wide's. The
13 answer to that is 13 foot, 4 inches. He asked what
14 the type of heat would be. It's hot air gas. He
15 asked if they would be air conditioned. Yes. He
16 asked about street lighting. Each unit- I thought
17 we'd answered that one, but maybe not. Each unit has
18 a post light in front of it. So basically we have a
19 post light every 50 feet because the lots are 50
20 feet wide, and that is what we use in the other
21 parks that are operated by Garden Homes, and it
22 works very satisfactorily. He asked if there are
23 hydrants. Yes, I believe they're on the plans.
24 Hydrants are shown on the plans. They've been
25 reviewed by your fire marshal. No issues there.

26 He asked about washer/dryer, whether they'll

1 be common or individual units. Each unit has a
2 washer/dryer hookup. The owner or occupant buys a
3 washer/dryer to hook up to it. There's not a laundry
4 mat or community situation. They each have their own
5 available.

6 He asked- I'm having trouble reading my own
7 writing. Additional parking, there are- there's
8 parking for 16 additional cars in separate lots.

9 MR. COSGROVE: The parking is at the end of
10 the road, Madam Chair.

11 MR. BRANSE: I think there's two lots. Mr.
12 Trinkaus? He's going to check that right now, but I
13 think there are two of them, is my recollection. He
14 asked about a fence around the pond, and I guess my
15 question is, is this a reference to the detention
16 pond or the natural pond along Hurley Road?

17 MR. COSGROVE: The natural pond that's on your
18 property.

19 MR. BRANSE: Oh, I'm sorry, there are 23
20 parking spaces. In how many lots?

21 MR. TRINKAUS: Three.

22 MR. BRANSE: And in three different lots.

23 MR. COSGROVE: Is this at the end of the road?

24 MR. MILLER: For 123 spaces?

25 MR. BRANSE: I'm sorry?

26 MR. MILLER: Never mind. Sorry.

1 MR. BRANSE: So I said 16. There's 23 guest
2 parking spaces or whatever you want to call them, in
3 three separate lots.

4 And now turning to the pond, which I'm sorry I
5 got off sequence there. We will not fence a natural
6 pond. There are ponds all over New England, and
7 people do not fence them, and I'm sorry, that is
8 just beyond the pale to suggest that every natural
9 body of water should be fenced so children don't go
10 tumbling into it. No.

11 MS. RYCENGA: However, you are- excuse me- you
12 are doing the detention ponds?

13 MR. BRANSE: Yes, we agreed to the detention
14 ponds, and the statement was from Mr. Miller, was
15 that there's a steep slope down to them and even
16 though they're generally dry, yes. So yes to the
17 detention ponds, not the natural pond. That's what I
18 wanted to clarify because there is a difference in
19 the approach there.

20 The question was about the beavers. I don't
21 know what you do about beavers on Hurley Road or
22 anywhere in Connecticut. I just don't know the
23 answer to that. I'm sorry.

24 Commissioner Romagna, he feels a lot of the
25 road issues are being addressed by signs. There's a
26 question of compliance, and I don't know the answer

1 to that. All we can do is post what we post. I think
2 you see that in shopping centers. You see fire lanes
3 or no parking here, and you see it in churches and
4 schools and all kinds of private institutions, where
5 it'll say no parking, and I've seen that in private
6 colleges, private schools, areas that will say no
7 parking or one way. They're not public properties.
8 So I don't know whether the police can enforce
9 them. Mr. Temple isn't with us anymore. I don't know
10 if the police can do that. I know for example, fire
11 lanes, the fire marshal can enforce, and the reason
12 for the no parking in this case is because your fire
13 marshal said that he wanted 20 foot unobstructed,
14 which would mean no parking on the streets.
15 Therefore, I think the answer to the question,
16 Commissioner Romagna, is that the fire marshal would
17 have enforcement powers here because it is the
18 nature of a fire lane. So the town could enforce,
19 even if the owner did not, because if it's a fire
20 code requirement, it's a fire code enforcement
21 matter, which can be enforced by ticket citations.

22 There was- let's see, bus stops, bus shelter.
23 Are you asking how large it would be? There's quite
24 a bit of room between lots 111 and 21, and Hurley
25 Road. So there's room there for a sizable shelter.
26 The only thing I would point out, on all of the

1 estimates of how many kids there will be, we have a
2 member of the board of ed here, who certainly knows
3 the answer to this better than I do, but at least in
4 my town they don't pick up all the kids at the same
5 minute. They don't do elementary, junior high or
6 middle high at the same time. They're staggered. So
7 however many kids there are, they're going to be
8 staggered by what ages they are. They're not all
9 going to be out waiting for the bus at the same
10 time.

11 This came up a few times about busses, and one
12 of the things I'm hearing is that part of the
13 problem here is that the board of ed won't send
14 school buses on private roads. Maybe part of the
15 solution here is for the board of ed to change its
16 policy because if the school bus could simply drive
17 up Oxford Commons Road, all the way up, and then all
18 the way down Emily Road, it could pick up all these
19 kids, and there'd be no stopping on the road, and
20 there'd be no turning around or backing up or
21 anything else. They could just make one large loop
22 hole through the development and pick up all those
23 kids. So maybe it's time to revisit that policy.

24 Again, I know in my own town where the
25 distances are just too- I live on a private road
26 myself and I know that when there were young kids

1 that were more than a thousand feet from the town
2 road, they sent a little van to go get them, private
3 road or not. So it's not illegal to put a bus, a
4 school bus on a private road. I understand they have
5 a policy. Maybe they need to change the policy, and
6 maybe that's the easiest and the best solution for
7 everybody.

8 The other thing, by the way, is that
9 obviously the town could widen Hurley Road so that
10 there is a pull off. One of the things that I- and
11 I'll try not to get too far off sequence, but I did
12 appreciate the photographs that Commissioner Zbras
13 gave us, especially his number 11 that has the
14 actual measurements of Hurley Road. We're building
15 24 foot wide fully paved streets to discharge to
16 Hurley Road that he's measuring at anywhere from 17
17 feet to 20. This is a road that takes industrial
18 park traffic and is narrower than what we're
19 proposing to build. So maybe if the town wants to
20 serve this corporate park, and industrial park, and
21 the warehouses, and the trucks, and the school
22 busses, and all the rest we heard about, maybe it's
23 time for the town to widen the road, and while
24 they're at it, if you need additional right of way
25 for a pull off here, we'll gladly provide it to you,
26 but the fact of the matter is that- and by the way,

1 Hurley Road isn't posted no parking anywhere. So you
2 can park on Hurley Road at 17 feet or 18 feet, and
3 that seems to be perfectly all right.

4 Let's see, Mr. Temple had some questions. The
5 parking he felt was very crowded, wasn't adequate
6 parking. I'll touch on that again in a moment
7 because there's another comment on that too. I'm
8 having trouble reading my writing here. Oh, the
9 additional number of units. He was talking about
10 affordability. We're not talking about what's
11 profitable for the applicant. We're talking about
12 what's viable for the units.

13 Mr. Kerwin took offense at my comment about
14 lawyers. I take offense to Mr. Temple's comment
15 about slumlords. That is offensive to us and
16 uncalled for. It was exactly the kind of attitude
17 that we have been facing from the very beginning,
18 except not from you ever, Ms. Madam Chairman.

19 MS. CARVER: Thank you.

20 MR. BRANSE: I was going to say more about that
21 at the end too. You really have been exceptional,
22 and I do mean that.

23 The question about enforceability, as I said,
24 because it's a fire code, I think it's enforceable
25 by your fire marshal. I don't know what you do on
26 any other private roads. Apparently there are quite

1 a few of them.

2 Mr. Miller than spoke about recreational
3 facilities. He said, and I like this, he said that
4 children in affordable housing have the same right-
5 the right to the same amenities as children
6 elsewhere, but you don't require recreation
7 facilities in your standard subdivisions, but be
8 that as it may, Mr. Miller suggested two play areas
9 of- he said, 2500 to 3,000 square feet was his
10 suggestion. Each of these lots are 50 by 75. So each
11 one of them is about a little over 3500 square feet.
12 If you remove two lots, you have room for the two
13 playscapes he's talking about. That's something the
14 commission can consider.

15 I'd also point out one of the things that was
16 said that is wrong. Mr. Miller said there is no
17 place to play in these lots. That is not correct.
18 There is a minimum 15-foot by 50-foot rear yard,
19 which is enough room for a swing set or a sand box
20 or basic stuff. Like Mr. Miller, I was raised in a
21 place where we played in the street sometimes, and
22 we had a back yard about that size, and we played
23 ball in that yard. Mr. Miller seems to have grown up
24 to be a productive member of society, whether I have
25 is I suppose a matter of debate, but at least I did
26 graduate from college, a master's degree in law

1 school, having grown up in that tiny little yard
2 that we played ball in, and I had a garden in it, by
3 the way. I did have a garden in my backyard. It was
4 small. So people can survive this.

5 Let's see, I think I addressed parking. I
6 talked about the school pickups are staggered. That
7 was one of the things. Mr. Galligan, let's see, he
8 says, I can call it a rural highway, you can call it
9 a private road. I guess he's right. I'm not going to
10 argue, whatever you want to call it. The fact of the
11 matter is, my understanding is that your subdivision
12 regulations require 24 foot wide roads. This is a 24
13 foot wide road. So it seems to be safe for everyone
14 else. I think that's really it.

15 Ms. Rycenga had asked about a couple of items
16 that she had. In some of the towns where we work
17 they issue single certificate of zoning compliance
18 of the entire development. In others they do it lot
19 by lot. We have no- what I said to Ms. Rycenga, if
20 it's easier for you to do it all at once, that's
21 fine with us. Most of our towns that's what they do.
22 If you'd rather do them individually, that is also
23 okay. We have seen both patterns. As I read the
24 statute, I think that it's supposed to be each one,
25 and that's I know what your preference is, and I
26 think that's more correct legally.

1 I addressed extension of time. We're just-
2 every time we come to one of these hearings there's
3 new stuff, and it's just going to keep going on
4 forever. All good things must end.

5 There was- just saying that there were lots
6 added from what was remanded. We respond to that,
7 that is correct.

8 MS. CARVER: Vehicle traffic direction.

9 MR. BRANSE: What was the question on that
10 again?

11 MS. CARVER: Construction vehicles.

12 MR. BRANSE: Oh, construction, construction
13 vehicles. I assume you mean entering the site.

14 MS. CARVER: Yeah, for construction.

15 MR. BRANSE: Where would we direct
16 contractors-

17 MR. TRINKAUS: Steve Trinkaus for the record.
18 I mean from a contractor's point of view, they're
19 likely to come down Airport Road, take a right on
20 Dovovan and onto Hurley to the site simply because
21 the intersection at Airport Road and 188, if your
22 tri-axle dump truck is easier to get out of than
23 at Bristol Town Road. But Bristol Town is not an
24 issue with a car, but the truck has a greater sight
25 distance at Airport and 188. So that's the
26 predominant direction. If construction vehicles came

1 from the Oxford area, they would likely come up
2 Willenbock to Pope to Hurley Road and go the same
3 way. So there's really two ways in and out of the
4 site.

5 MR. ZBRAS: How about leaving?

6 MS. CARVER: I'm sorry?

7 MR. ZBRAS: Leaving the site.

8 MR. CARVER: Oh, leaving the site.

9 MR. TRINKAUS: Leaving the site would be
10 either direction also depending on where you
11 originated. If you came from- if a lumber truck came
12 from Oxford Supply, they would likely go Pope back
13 to Willenbock back to 188. If it came from- we used
14 to have a lumber yard in Southbury. We no longer do,
15 but if you came from Southbury- the cement truck
16 coming from O & G would go out Airport Road to 188
17 and likely go over to Old Waterbury Road and Bucks
18 Hill and right to 67. So it depends where you
19 originate as the way you're going to go back.

20 MS. CARVER: Anna, do you have any-

21 MS. RYCENGA: Yeah, there was one more I-

22 MS. CARVER: In regards to the roads for Steve
23 Trinkaus?

24 MS. RYCENGA: Oh, no.

25 MS. CARVER: Okay, thank you.

26 MR. BRANSE: Was there another question I

1 didn't get of yours?

2 MS. RYCENGA: Yeah, I said there was a
3 financial- my understanding was there was a
4 financial hardship on your client, but there is-

5 MR. BRANSE: It's not a hardship, it's a matter
6 of- under 8-30(g) 30 percent of the units have to be
7 priced below market. That's what they're making us
8 do. The idea is you get more density, so you make
9 more profit with more density, but 30 percent of our
10 units have to be priced below the market. So it's a
11 give away and the recoup is the number of units. So
12 when you cut the number of units, then you're
13 reducing the ability to provide those affordable
14 units.

15 MS. RYCENGA: So then to balance for the town
16 now, would you be willing to eliminate 11 units to
17 accommodate a playground area and a larger- a
18 sufficient sized playground area and a bus stop?

19 MR. BRANSE: What I said to Mr. Miller, we can
20 do larger than the two playgrounds he asked for with
21 two lots. Beyond that, the commission has to do what
22 it has to do. I'm not- Attorney Micci and I
23 discussed this briefly off the record, and I think
24 that's as close as I can get.

25 Mr. Cosgrove reminded me- I see his hand up,
26 and something that Mr. Trinkaus had said reminded me

1 of one of his questions which had to do with
2 cement trucks. I forget exactly what the question
3 was.

4 MR. COSGROVE: Not from me, but I didn't get
5 an answer--

6 MR. BRANSE: I think Mr. Zbras.

7 MS. CARVER: Yes.

8 MR. BRANSE: Okay, sorry, go ahead.

9 MS. CARVER: No, he was going to ask the
10 number of affordable units, the credit. Is that what
11 you were asking, Commissioner?

12 MR. COSGROVE: Oh, yeah, would the town get
13 credit?

14 MR. BRANSE: The answer is yes, categorically
15 yes.

16 MR. COSGROVE: For sure?

17 MR. BRANSE: For sure. The affordability plan
18 that we submitted is what's mandated by the statute,
19 and that specifies what the sale or rental prices
20 have to be, both for the 60 percent of median and
21 the 80 percent of median units, and that has to be
22 by a condition of approval. It can also be by a deed
23 restriction, which is also-- we have forms for that.
24 So yes, they absolutely count.

25 MR. MILLER: Just to elaborate, those are upon
26 issuance of building permits.

1 MR. BRANSE: Yes, you're right.

2 MS. CARVER: Right.

3 MR. BRANSE: Not upon approval, he's correct.
4 It's when the building permit is issued for each one
5 of them, and as each unit is sold or rented and
6 occupied, then you get that credit at that time, you
7 do.

8 MS. CARVER: Thank you.

9 MR. BRANSE: Now let's see, where was I? Yes,
10 and I had that right in my notes. I'm sorry. There
11 was one about-- Commissioner Zbras' about cement
12 trucks. I know the industrial park right across from
13 it says, all slab, all the warehouses and machine
14 shops, therefore they're all made with cement. So
15 presumably the road was adequate for that.

16 MR. ZBRAS: That was how long ago? How long
17 ago was that?

18 MR. BRANSE: I don't know. I know there's been,
19 within the past 5 years, there's been modifications
20 and additions in that corporate park. That we know.
21 That's an ongoing development.

22 MS. Crane spoke, and--

23 MR. COSGROVE: Garbage?

24 MS. CARVER: It's on the list. He's going
25 through it.

26 MR. BRANSE: Oh, I'm sorry, I thought I-- yeah,

1 I'm going in order. I'm trying to go in order.

2 MS. CARVER: You're doing good, you're doing
3 good.

4 MR. BRANSE: Yeah, I was trying to go in
5 the order I wrote them down. Yes, you had some at
6 the end. So I'll come back to that.

7 MR. CARVER: I'll keep you- I have my notes.

8 MR. BRANSE: Yeah, thank you. If there's
9 something I miss, please.

10 Alright, let's see, I found Ms. Crane's
11 comments very illuminating. She said she lives at
12 Oxford Green, that their roads are 24 foot wide, and
13 people park in the streets. All I can say is, if
14 it's safe for Oxford Green, it's safe for us. So I
15 guess that's what I needed to know. One of her
16 questions was garbage pickup. I think you'd asked
17 that one too. It's individual, not dumpsters. There
18 will be curbside pickup per unit. So garbage pickup
19 is per unit.

20 She asked about storage. Each unit is allowed
21 to have a shed. A storage shed is one of the
22 permitted items people can do, and I think the
23 maximum size is 10 by 10, I think is the maximum.
24 The reason there's a maximum is because wetlands
25 wanted a maximum to calculate impervious surface. So
26 people can get a smaller one, but they can't get a

1 larger one.

2 MS. CARVER: A question on the 10 by 10.

3 MR. BRANSE: Yes.

4 MS. CARVER: So their yards are 15 feet.
5 Right?

6 MR. BRANSE: Yes.

7 MS. CARVER: Is the shed- because I'm trying
8 to figure out where they- would that shed take over
9 the 15 feet or that's above and beyond that?

10 MR. BRANSE: It would be within that 15 feet if
11 it's in the rear, so could be the side too.

12 Ms. CARVER: Okay. There's enough room on the
13 side?

14 MR. BRANSE: Well, each lot if 50 feet wide.

15 MS. CARVER: And they're 20-

16 MR. BRANSE: So it depends where the unit is
17 on the lot. Our separating distance is 20 feet under
18 section 6a. So we have to have 20 feet between
19 units.

20 MR. ZBRAS: Madam Chairman--

21 MR. MILLER: And that's the only requirement.

22 MS. CARVER: The 20 feet? Okay. In regard to
23 this?

24 MR. TRINKAUS: Yes the shed.

25 MR. BRANSE: It will be 20 feet minimum. Some
26 of them will be farther apart than that one side or

1 the other, depending on where it is on the lot.

2 MR. ZBRAS: According to the sheds, the one in
3 Shelton has sheds there, and they have the shed- I
4 brought a picture in last time. The shed is right in
5 the middle of the two trailers. So I would think-
6 I'm sorry, the-

7 MS. CARVER: Mobile homes?

8 MR. ZBRAS: The mobile homes. So therefore,
9 there's like not even five feet for a fireman to get
10 to the side of the shed and they're right between
11 the units. So it would be a problem.

12 MS. CARVER: Please go.

13 MR. BRANSE: Ms. Guillet spoke from the board
14 of ed. She talked about a subdivision, and that's
15 why I asked where that was, and she said Coventry
16 Road. It looks to us like it's Coventry Lane from
17 what we can tell with Google. Coventry Lane I think
18 is the road she's referencing, and from what we can
19 determine, that is a 24 foot wide road. So we've now
20 heard that both Oxford Green and Coventry Lane are
21 24 foot wide and people park for the schools and so-
22 I mean, I don't know what else to say exactly. I
23 think that the commission can fashion conditions if
24 they want to. Certainly this is something that had
25 been asked at the get-go. We probably could have
26 addressed it more easily than we can now.

1 MR. MILLER: I'm not familiar with Coventry
2 Lane, but I guess the one question I have is how
3 many units are in Coventry Lane and what their
4 frontage is, and how does that compare with the
5 proposed development?

6 MR. BRANSE: I think Ms. Guillet said that
7 there are 15 lots.

8 MS. CARVER: 15 homes.

9 MR. BRANSE: She said 15 or 20 houses.

10 MR. MILLER: And the frontage is?

11 MR. BRANSE: I have no idea.

12 MR. MILLER: I know you don't, and I don't
13 either, but I suspect that they are bigger frontages
14 that would require less congestion if people do
15 park, and I would also, just given my knowledge of
16 most subdivisions in Oxford, is that when you have
17 two-acre lots parking off street is- you can
18 accommodate 5, 6, 7 cars sometimes off street. We
19 have 2, 3 car garages, and 50-foot driveways, and
20 that's not at all applicable to what your proposal
21 is, just to point that out.

22 MR. BRANSE: You are absolutely correct and is
23 precisely because you have a minimum of two-acre
24 lots and 175 foot frontage, that you have less than
25 one percent affordable housing in this town. That is
26 why we are here. That is why every other 8-30(g)

1 development is going to be here for many, many years
2 to come. That is what this is about, Mr. Miller, and
3 you know 8-30(g) as well as I do, and that is the
4 reality here. So no, it's not two-acre lots, it's
5 not 175 foot frontage. That's why it's here, and by
6 the way, I always try to answer questions and I'm
7 happy to do that, but I do want to be sure to
8 specify, all of this is outside the scope of remand,
9 all of this, and by answering these questions, I
10 don't want to be deemed to have waived that claim,
11 and I'll answer it, but all of it is not what we're
12 supposed to be talking about, but I'll continue.

13 Let's see, Ms. Guillet about conferring with
14 the business manager. I don't know about that. She
15 believes that the state statutes say the distance
16 that a child can walk. She thought it was half a
17 mile. First of all, I'd note that our maximum,
18 assuming that the school bus stop is only at Hurley
19 Road, is about a thousand feet. So it's not a half a
20 mile, but also I want Mr. Friedman to address that
21 because he has some special knowledge that I don't.

22 MR. FRIEDMAN: Richard Friedman for the
23 record. I'm the president of Garden Homes. I'm a
24 former member of the Stamford Board of Education and
25 I'm a former president of the Stamford Board of
26 Education, and Stamford has a walker rule. In the

1 elementary schools it's a mile, and in the middle
2 and the high school it's two miles. So any
3 elementary school within a mile of the school does
4 not get a bus.

5 MR. BRANSE: And that is per state statute
6 also. The other thing that I just want to point out
7 is, Mr. Miller was talking about when we were kids,
8 and I had to chuckle because I know he's right. I
9 walked to school, and now people drive to the school
10 buses. You know something though, and I know we all
11 see this, a lot of people drive their kids right to
12 school. To heck with the school bus, even though the
13 school bus goes right by, and I've seen this in a
14 lot of towns, and I'm sure a certain percentage of
15 these people just drive their kids to school.

16 MR. BRANSE: Alright, let's see what else we
17 have.

18 MS. CARVER: One question that does come with
19 the walker there, and I believe it was Anne that
20 said or somebody before that said in regards
21 to sidewalks, and that's some of the issues that
22 have come. There are no sidewalks on the plans.

23 MR. BRANSE: Correct.

24 MS. CARVER: And although, yes, they can walk,
25 and it's a thousand feet, they just have no
26 sidewalks for the kids on the street, and that's

1 their concern. So I just want to clarify that.

2 MR. BRANSE: Yes, we're not proposing
3 sidewalks. That is correct.

4 MR. MILLER: You're not proposing sidewalks
5 where?

6 MR. BRANSE: I said we're not proposing
7 sidewalks.

8 MR. MILLER: Anywhere?

9 MR. BRANSE: No, anywhere.

10 MR. MILLER: I thought in response- I'm sorry.
11 I misunderstood you. I thought in response you were
12 proposing some internal sidewalks.

13 MR. BRANSE: No, no. They're 24 foot wide- I
14 think I know what you're thinking of. We had
15 offered to stripe an area of the road. It's 24 foot
16 wide and no parking on the street. I believe Mr.
17 Trinkaus had mentioned striping along one side as a
18 designated pedestrian area, much like you would do
19 with a bike path. Am I remembering that correctly? I
20 know it was discussed. It's not on the plans. It's
21 something that, if the commission wants us to do
22 that, we can certainly do that.

23 MS. CARVER: And this is regarding sidewalks.
24 Right?

25 MR. BRANSE: Yeah, walkways, pedestrian way.

26 MS. CARVER: Walkways, okay, sorry. I just

1 want to-

2 MR. BRANSE: Yeah, pedestrian ways.

3 Ms. RYCENGA: Walkways within the street?

4 MR. BRANSE: Within the street, within the
5 pavement.

6 Oh, Attorney Micci asked about fees. I thought
7 we addressed that at the very first hearing when we
8 pointed out that the board of selectman, as
9 condition of receiving community development block
10 grants, has committed to providing technical
11 assistance to persons of low income and to
12 facilitate low income housing in this town. That is
13 a commitment that you have made in order to received
14 hundreds of thousands of dollars in block grants
15 since about 2006.

16 Also, Mr. Micci will recall that we had
17 requested a breakdown of the fee estimates, and we
18 received a letter from Madam Chairman saying no.
19 Thereafter, I spoke to Attorney Micci, who indicated
20 to me that he thought it was a fair request, that he
21 would obtain that breakdown. We have still never
22 seen it. Our reason for requesting the breakdown is
23 because many of the items that are in both Mr.
24 Miller's and Mr. Galligan's reviews are outside the
25 scope of remand, and also outside- it changes to the
26 plan in response to the remand. So we wanted to be

1 sure that these fee estimates were within the scope
2 of what we're supposed to be doing here. We never
3 got that.

4 Having said all of that, I've also told
5 Attorney Micci that if the commission so desires,
6 they may make payment of the fees a condition of
7 approval, but we-- and if they're exorbitant or
8 unsubstantiated, we may yet appeal them. We appealed
9 the fees in the wetlands commission case because we
10 thought they were exorbitant and completely
11 disproportionate to what we were proposing in that
12 case. We still believe that. So that is the response
13 to that. It is something that can be addressed by
14 condition and depending on how bad the fees are,
15 whether it's worth our while to appeal, is something
16 that we'll have to determine at the time, but that
17 certainly is not grounds to deny an 8-30(g)
18 application.

19 MS. CARVER: So I would like to comment on
20 that since you brought it on me.

21 MR. BRANSE: Yes.

22 MS. CARVER: And the reason why I gave you
23 that letter is because this commission has not asked
24 for our special account planner to get a detail. It
25 was not something we ask every application. I'm sure
26 you want to make sure that you're treated the same

1 way.

2 MR. BRANSE: Correct.

3 MS. CARVER: So I answer that that's not
4 something that we do. In regard to the comment about
5 to the board of selectman asking, that was on the
6 second public hearing, not the first that you
7 brought that up.

8 MR. BRANSE: Thank you. Alright.

9 MR. CARVER: So there wasn't a situation that
10 you brought it right at the beginning, so I just
11 want to make sure, and that really is the purview of
12 the board of selectman. That has not come to this
13 application and it's not something that it was pre-
14 existing before you came to us. So we've been very
15 open about, you know, the fees, giving you that
16 information and stuff, but it wasn't something that
17 we provided to another applicant because, like I
18 said, I felt that it shouldn't be an issue. We do
19 ask for- we do request-

20 MS. RECENGA: Cost estimates.

21 MS. CARVER: You know, cost estimates and we
22 do require experts, but I'm certainly not an
23 engineer or a town planner. So I'm sure that we do
24 require some professional, and the fees are the
25 fees.

26 MR. BRANSE: And by the way, Madam Chairman,

1 with regard to your letter, I realize when you wrote
2 that, that you did not realize that we had obtained
3 that breakdown at the wetlands commission. So that's
4 why we-- we received it at wetlands, so we expected
5 we'd get it here, and you did not know that, and I
6 realize that you didn't know.

7 MS. RYCENGA: Neither did I.

8 MR. BRANSE: So we thought that was something
9 you did.

10 Ms. Cosgrove spoke, she asked about, are these
11 roads per standard. They are per standard in terms
12 of their width and their curve radii and all that
13 kind of thing, and we've agreed to specify the
14 bituminous mix and all those sorts of things that
15 Mr. Galligan has mentioned. There's no effort to
16 make the roads substandard in terms of their
17 surfacing or subsurfacing or whatever. Drainage of
18 course has already been reviewed by Nafis and Young
19 in connection within the wetlands permit. So the
20 storm drainage system has already been found to be
21 satisfactory. So I think we are-- I mean I realize
22 there's this question about whether these are
23 intersections or corners or curves and how you
24 characterize them. By putting the stop bars and stop
25 signs, we make them comparable to intersections to
26 exactly what you got at Hurley Road and Dovovan

1 right now. By the way, a very good photograph of
2 that and sketch from Commissioner Zbras, that shows
3 it looking really like a 90 degree angle if you look
4 at it.

5 There was a question about animals. I have no
6 idea. I think people can have pets. Post office, I
7 don't know what the answer to that is, a postal
8 service.

9 MS. CARVER: Where would you have the
10 mailboxes because they can't-

11 MR. BRANSE: We would have a mailbox post near
12 the entrance. And by the way, I heard the statement
13 that the post office doesn't deliver on private
14 streets. I live on a private street and I get it
15 delivered to a box right outside by house, all my
16 neighbors do, and I don't know-

17 MR. CARVER: I'll ask the ZEO if she wouldn't
18 mind answering that question.

19 MS. RYCENGA: I can confirm that. I spoke to
20 the post master at the Seymour Post Office, and they
21 do not deliver on private roads. You have to have a
22 mailbox center. I mean, they do drive on private
23 roads, but they have to have a mailbox center. They
24 can't have-

25 MR. BRANSE: Okay, so like at Oxford Green
26 they have that.

1 MS. RYCENGA: Correct.

2 MR. BRANSE: Well, we would do whatever Oxford
3 Green does. If that's a private road, we would
4 handle it the same way. We'd have to have a mailbox
5 station.

6 MR. MILLER: But I think that should be shown
7 on the plans. I mean, I think that's one of the
8 things we could-

9 MR. BRANSE: Where would you like it to be,
10 Mr. Miller? Tell me where you think it belongs.

11 MR. MILLER: I think someplace- well,
12 obviously at the beginning there.

13 MR. KERWIN: The designated snow storage area.

14 MR. MILLER: Yeah, I just-

15 MR. BRANSE: Yes, that's a good point, it
16 could be in the snow storage area because the snow-
17 I mean, you're not going to pile the snow right to
18 the street. The mailbox center is right at the
19 street.

20 MR. MILLER: Well, perhaps it should be- but I
21 just think- my observation of multifamily
22 communities, which from the postal service it seems
23 like they treat it similarly, where they have a
24 whole bank of postal boxes, is that it's on the
25 entrance, but it has to have some sort of turnoff
26 for at least the postal truck to get there, but also

1 the fact that- going back to our childhood, Mr.
2 Branse, you know, we're not as energetic now and
3 that people are lazy and they'll pull up to the
4 postal boxes on their way in and out of the
5 development, and there should be some sort of
6 accommodation.

7 MR. BRANSE: Let me just say one thing on
8 that. It's an interesting point. Mr. Miller says you
9 should designate where it is. This is something
10 obvious, something you should have addressed. He did
11 his review on April 7th. That's almost exactly one
12 month ago, and not a word about post office boxes or
13 where they belong.

14 MR. MILLER: Mea culpa.

15 MR. BRANSE: Mea culpa indeed. So you know, if
16 you thought it was something important, it could
17 have been brought up then and we'd decide where to
18 put it. Right now I'll say we'll put it anywhere you
19 want it. I mean, that's about as easy as we can get.

20 MR. MILLER: Okay.

21 MR. BRANSE: But wherever you think it
22 belongs.

23 MS. CARVER: Actually, you know what, I have
24 to say, I think that may have been brought up, and I
25 think that you may have brought it up, and I may
26 have said, that is not part of this. I do believe it

1 has been brought up.

2 MR. BRANSE: Because it was outside the remand,
3 and you were right, but we're happy to address it.

4 MR. MILLER: And I think that was why I didn't
5 bring it up either, but I think--

6 MR. BRANSE: And you were right, but we're
7 happy to address it.

8 MR. MILLER: Okay, thank you.

9 MR. BRANSE: We're easy.

10 MR. COSGROVE: Madam Chair--

11 MS. CARVER: Yes? I don't think he's done.

12 MR. BRANSE: That's all I had on my list. If I
13 missed something, by all means.

14 MS. CARVER: Yeah, I think you actually
15 covered--

16 MR. BRANSE: Oh, gardens, I think gardens were
17 the other thing and yes, there are yards. You have
18 room for a little garden. You wouldn't have room to,
19 you know, raise crops, but there's room for a little
20 garden if you wanted one.

21 MS. RYCENGA: Madam Chair, I am going to say
22 it again on the record to Attorney Branse and to Mr.
23 Richard Freidman, with all fairness, I think even a
24 two week extension would be fair and reasonable,
25 otherwise we're going to be here until late.

26 MR. BRANSE: We'll be here until late no

1 matter what. If we give you a two week extension
2 we'll have more people bringing in more new points.
3 They'll be- we've already hit mosquitos and
4 mailboxes, and fencing of ponds, and things- with
5 all due respect, Mr. Cosgrove, we've come up with
6 things. There's no limit to where we're going.

7 MR. COSGROVE: These are common sense things.

8 MS. CARVER: Hold on, hold on. Is it possible,
9 because there is a lot, so one, this commission
10 needs to absorb, and I do need a least Jim to take a
11 look at the plans and say yes, and it doesn't have
12 to be in a public hearing.

13 MR. BRANSE: It's one sheet of plans.

14 MS. CARVER: But we haven't even seen the
15 plans. We haven't seen-

16 MR. BRANSE: They were emailed.

17 MS. CARVER: Emailed, but the email did not
18 come through. All we're asking is for a few days,
19 even if it's a week. We don't need to- do we have to
20 have the public hearing open, and-

21 MR. BRANSE: I won't be here in a week.

22 MS. CARVER: -can we just do a staff in a
23 special meeting to just review as a commission
24 without having any new stuff. Attorney, is that a
25 possibility? Can we do that?

26 MR. MICCI: It's a possibility.

1 MS. CARVER: Without allowing any additional
2 information.

3 MR. MICCI: Well, if we close the hearing part
4 of it, yes.

5 MS. RYCENGA: It will be an extension of the
6 site plan. We could close the public hearing. So it
7 would be an extension for action on the site plan.

8 MR. BRANSE: You can close the public hearing
9 and vote. That's why we carefully put together for
10 you a list of conditions of approval to make it as
11 easy for you as possible, and instead we've spent
12 the last three hours on things that are completely
13 unrelated to anything that's ever been addressed
14 before, and unrelated to any- I mean, we went
15 through Mr. Galligan's comments, we went through Mr.
16 Miller's comments, we went through all the public
17 hearing comments. We carefully crafted conditions
18 that addressed each one of them so that you would be
19 able to vote, and now there's all new stuff, and if
20 we wait 24 hours they'll be more new stuff.

21 MS. CARVER: But just so we're-

22 MR. BRANSE: No.

23 MS. CARVER: Just so we're clear, we as a
24 commission, we approve applications. We don't
25 approve a ton of lists of conditions.

26 MR. BRANSE: In an 8-30(g) you must.

1 MS. CARVER: No, I disagree.

2 MR. BRANSE: Okay.

3 MS. CARVER: The judge said we had five
4 things, the town had- we as a commission were
5 ordered to do the zone amendment, the tax amendment.
6 We as a commission expected the applicant to bring
7 forth and present to this commission that you
8 complied with the five things that the judge said.
9 One, second access was critical, critical and not
10 the on Hurley Road. You haven't done that, and you
11 haven't shown-

12 MR. BRANSE: He didn't say other than Hurley
13 Road.

14 MS CARVER: Yes, it does. I know it doesn't
15 say-

16 MR. BRANSE: Okay, then your decision will be-
17 If that's what you think, your decision will be a
18 simple one.

19 MR. CARVER: He said not on Hurley Road.

20 MS. RYCENGA: Correction, correction. We are
21 trying to make this work for the town and for you as
22 the applicant, but we needed-

23 MR. BRANSE: Ms. Rycenga-

24 MS. RYCENGA: The members of the public have
25 not even had an opportunity to review the new
26 information that has been submitted. That's

1 important to realize.

2 MR. BRANSE: First of all, remember in a site
3 plan application, a public hearing is optional. So
4 you didn't need to have a public hearing at all. You
5 chose to. We certainly wouldn't object to it.

6 MS. RYCENGA: As recommended by town counsel.

7 MR. BRANSE: Which is fine. We never objected
8 to a public hearing, but as far as Hurley Road, if
9 what you're saying is the two access points on
10 Hurley Road are unacceptable, there's nothing to
11 work out, and there's no point in talking about post
12 office boxes and playgrounds and parking. There's no
13 point in talking about that. If the commission has
14 already decided the two points of access on Hurley
15 Road are unacceptable, then you're done.

16 MS. RYCENGA: They have not decided that.

17 MS. CARVER: Hold on, hold on, Anne. You stop
18 me at the first. There's five things that you needed
19 to present. So it's not a conditional approval. It's
20 tons of conditional approvals. Go ahead.

21 MR. GALLIGAN: Mr. Branse made reference to
22 the fact that it's one sheet. It is not one sheet.
23 Presenting this one sheet, which nobody has still
24 been able to verify, is not acceptable. Mr. Branse
25 has made reference to the fact that we have brought--
26 we and the public have brought all types of new

1 information to which he's responded. He's the one
2 who brought new information and not given me a
3 chance to review his plan. Mr. Trinkaus even said he
4 would bring the plans tomorrow. So he's asking you
5 to vote on it and let me look at it tomorrow. It's
6 not one plan. If it's one plan, then the rest of the
7 drawings are incomplete.

8 MR. LUFF: And also, if I may, his plans have
9 changed from 113 to 124. So it opened up another can
10 of worms.

11 MR. COSGROVE: Yeah, this is not the same
12 project.

13 MR. LUFF: This is all the same project, and
14 if he wanted to keep it simple and streamlined, he
15 should have kept it at 113 and focused on the five
16 points.

17 MR. MILLER: Also, Mr. Branse' comment about
18 my reaction to the mailboxes, I certainly would
19 never advise this commission to turn down an
20 application because there wasn't a place for the
21 mailboxes. I would have suggested- you know, it's a
22 minor issue. It was discussed among the context of
23 the site plan. I think at the most extreme it would
24 have been a condition of approval that you put it
25 some place where the snow removal is. So I kind of-
26 I disagree with bringing it up as something that

1 we're throwing at him. I think, you know, frankly,
2 when I'm on the other side, Mark, and the commission
3 is discussing mailboxes or the size of the trees, I
4 always suggest that they're winning, that the
5 applicant is winning because that's the minor points
6 and if they're being discussed, they can be easily
7 addressed. So I would just reject that as sort of
8 something that's being thrown up right now.

9 MR. MICCI: Madam Chairman, I think when it
10 gets down to it, we have three choices here. One, we
11 can approve it tonight. Two, we can deny it tonight.
12 Three, we can deny it and move for reconsideration
13 at a meeting to be called in short order over the
14 next few days when we reconsider it because if I'm
15 understanding you and the members of the commission,
16 we don't have enough time to deliberate on this
17 tonight. Mr. Branse made it clear he's not going to
18 grant an extension. So there's no sense kicking this
19 around. It's either one, two or three.

20 MR. ZBRAS: On the parking, he's talking about
21 parking. There's still- I brought it up last time.
22 There's no parking on the east side for the cars.

23 MS. CARVER: I like that. Thank you. So this
24 commission has three choices.

25 MR. MICCI: We can vote to approve the site
26 plan. We can vote to deny the application. We can

1 deny the application with an eye towards having a
2 special meeting of short order, move for
3 reconsideration, redeliberate, redebate it, and vote
4 again, but that has to be done at the next meeting.
5 That cannot be put off forever. Motion to reconsider
6 has to be done at the next regular or special
7 meeting.

8 MS. CARVER: Okay.

9 MR. COSGROVE: A question if I can?

10 MS. CARVER: Yes.

11 MR. COSGROVE: I didn't get an answer on
12 additional parking at the end of the road for the
13 picking up of the children. He didn't answer that
14 question, that I understood, and that's what I was
15 trying to go for. I wanted to be sure that they were
16 allowing on their drawings- you know, their drawings
17 are the original drawings. Nothing has been modified
18 or updated to show that they are allowing for
19 additional parking spaces for these parents to drop
20 off their children or pick up their children. That
21 was one thing.

22 The other thing was the length of a- what is
23 the length of a two bedroom, a three bedroom and a
24 four bedroom trailer? Do you know? They have to be
25 different lengths. The total length is 75 feet, is
26 what they're allowing, you know, for their overall

1 property, but the length of the trailers, you know,
2 for the number of bedrooms has got to be different.

3 The other thing that is upsetting, is I asked
4 what kind of heating system are they going to have,
5 and I got the answer of gas. Is it natural gas? Is
6 it propane? Gas is like I'm going to drink water.
7 You know, it's a nebulous answer, not accurate. What
8 are they going to use for heating, natural gas or
9 propane? It's a very simple question.

10 MS. CARVER: Okay. Yes?

11 MR. LUFF: I have a question for attorney
12 Micci.

13 MR. BRANSE: I'm sorry, if you'd just asked me
14 I would tell you, natural gas. Natural gas is here.

15 MR. COSGROVE: Don't know why I couldn't get
16 that.

17 MR. BRANSE: You asked the dimension of 28 by
18 40, generally 28 feet by 40 regardless of bedroom
19 count. They're just configured differently. It could
20 be a little bit variety, but generally 28 by 40.

21 MR. COSGROVE: What's the length? I missed
22 something.

23 MS. CARVER: 28 by 40.

24 MR. BRANSE: 28 wide by 40.

25 MS. CARVER: It doesn't matter how
26 many bedrooms, it's 28 by 40.

1 MR. BRANSE: Rough.

2 MS. CARVER: Roughly.

3 MR. COSGROVE: 28 by 40.

4 MS. CARVER: Yes, 28 by 40, natural gas.

5 MR. LUFF: My question was to Attorney
6 Micci. Couldn't we also delay this or postpone it
7 because it's an incomplete application because the
8 fees have not been paid?

9 MR. MICCI: We could hang our hat on that. I
10 don't know if we want to do that. We could do that.

11 MR. LUFF: The town hasn't been paid for
12 doing all this work, why are we even talking about
13 approving or denying when the application is
14 incomplete with the subtraction of 12,000 plus
15 dollars?

16 MR. MICCI: Your point is well taken, but the
17 fact of the matter is, we've been kicking this
18 around for a long time. So if we want to move it
19 along, this is the way to move it along. When I
20 say move it along, I mean get to a point where we
21 have a definitive answer. This would be the way of
22 doing it. If you want to delay it on the grounds
23 that the application is incomplete, you can do that,
24 which I'm sure will generate a reaction from the
25 applicant.

26 MS. CARVER: Okay, so-

1 MR. LUFF: But there's also- let me finish
2 my table. But at that point if they don't get the,
3 quote/unquote, decision that they want, they might
4 not pay their fees. Is that correct?

5 MR. MICCI: Well, I think it's pretty clear.

6 MR. LUFF: Then the town is out 12,000
7 dollars because we're voting on something that a
8 decision is going to be based on. That to me sounds
9 silly.

10 MR. MICCI: I understand, but-

11 MR. BRANSE: Madam Chairman, just a question
12 for Attorney Micci.

13 MS. CARVER: Yes.

14 MR. BRANSE: If there's an appeal what will
15 that cost be in your estimate to the Town of Oxford?
16 Will that cost more than 12,000 dollars?

17 MR. LUFF: We can't make a vote on that.

18 MR. MICCI: I imagine it will.

19 MR. BRANSE: I imagine it will too.

20 MS. CARVER: So basically right now we can
21 close the public hearing and we don't vote at the
22 public hearing anyway because we never do as a
23 commission. We go to a regular meeting, which is
24 right after, and at the regular meeting we can make
25 that motion. Is that correct?

26 MR. MICCI: Correct.

1 MS. CARVER: Alright, so at this point—

2 MR. COSGROVE: Motion to close the public
3 hearing.

4 MR. ZBRAS: He's the man.

5 MS. CARVER: Excuse me?

6 MR. ZBRAS: I said, he's the man.

7 MS. CARVER: Oh, he's the man. I have a motion
8 to close. Do I have a second?

9 MR. ROMAGNA: I'll second.

10 MS. CARVER: Second by Todd. All in favor
11 signify by saying aye.

12 COMMISSIONERS: Aye.

13 MS. CARVER: Opposed? Abstain? Motion carried.
14 Okay, I'll need at least 15 or 20 minutes between
15 now and the regular meeting. Is that okay? 20
16 minutes.

17 (Recess)

18 MS. CARVER: Okay, I'd like to call this
19 regular meeting to order for Tuesday May 6th, 2014
20 at 11:00 P.M. We'll start with roll call. We'll
21 start with John.

22 MR. KERWIN: John Kerwin.

23 MR. ZBRAS: Pete Zbras.

24 MR. COSGROVE: Harold Cosgrove

25 MR. JENSEN: Arnie Jensen.

26 MR. LUFF: Jeff Luff

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ROR 10

1 MS. CARVER: Tanya Carver.

2 MR. ROMAGNA: Todd Romagna.

3 MR. MILLER: Brian Miller.

4 MR. GALLIGAN: Jim Galligan, town engineer.

5 MR. MICCI: Eugene Micci, Special Counsel.

6 MS. RYCENGA: Anna Rycenga, Zoning Enforcement
7 Officer.

8 MS. PENNELL: Jessica Pennell, Secretary.

9 MS. CARVER: Alright, we will seat alternates
10 John and Pete for this regular meeting.

11

12 *****

13

14 MS. CARVER: Item two, Oxford Commons, owner
15 and applicant Garden Homes Management Corp. by Mark
16 Branse, Esquire, address 117 Hurley Road, map 2,
17 block 36, lot 2, and Hurley Road, map 2, block 36,
18 lot 2B. There's been application for site plan
19 approval 8-30(g), purposed development for
20 manufactured housing community containing 124 home
21 spaces and infrastructure.

22 Let's see, I would like to make a motion to
23 deny application Z-14-012, Oxford Commons owner and
24 applicant, Garden Homes Management Corp. by Mark
25 Branse, Esquire, address 117 Hurley Road, map 2,
26 block 36, lot 2, and Hurley road, map 2, block 36,

1 lot 2B, without prejudice for items number one due
2 to the fact that it's an incomplete application
3 since the fees have not been paid for expert review,
4 and I will reference our zoning regulations, article
5 3, general regulations section 3.12 is the fees.
6 This is 3.19.1, expert review of the application:
7 "The commission may at its discretion hire or engage
8 outside experts to assist in its evaluation of any
9 application for site plan approval or approval by
10 special exception. The total cost of all outside
11 expertise shall be borne by the applicant. The
12 commission may require an initial payment to be
13 determined for the hiring of its experts prior to
14 its review of the application. This payment shall be
15 considered as an integral component of the
16 application, and the failure of the applicant to
17 make this payment shall render the application
18 incomplete. If the applicant fails to pay the fee
19 within 30 days of receiving an invoice, the
20 commission may revoke all approvals of the
21 application and pursue all necessary action to
22 receive payment."

23 Item number two, new information has been
24 presented. The commission and the staff and experts
25 have not had a reasonable opportunity to review the
26 information presented of the applicant at today's

1 public hearing of May 6th, 2014.

2 Item number three, the commission has
3 requested an extension in order to provide a fair
4 and reasonable evaluation of this application and
5 supporting documents. The extension request was
6 refused.

7 MR. LUFF: Second.

8 MS. CARVER: Second by Jeff.

9 MR. COSGROVE: Discussion

10 MS. CARVER: Discussion. A second for
11 discussion? Alright, I will-

12 MR. KERWIN: I second.

13 MR. LUFF: It's John's second.

14 MS. CARVER: Okay, so, let's see, the people
15 that are going to vote on this will be John, Pete,
16 not you, and just- All in favor?

17 COMMISSIONERS: Aye.

18 MS. CARVER: Opposed? Abstain? Motion carried.

19 *****
20 *****
21 *****
22 *****
23 *****
24 *****
25 *****
26 *****

CERTIFICATION

This is to certify that the foregoing was mailed, postage prepaid on March 10, 2015
to:

Branse & Willis, LLC.
148 Eastern Boulevard
Suite 301
Glastonbury, Connecticut

A handwritten signature in black ink, appearing to read 'E. Micci', is written over a horizontal line.

Eugene D. Micci, Esq.
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